



CITY OF LA PINE, OREGON SPECIAL CITY COUNCIL MEETING

Wednesday, January 19th, 2022, at 5:30 PM

La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739

& Electronically on Zoom at: <https://us02web.zoom.us/j/87244545049>

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.

AGENDA

CALL TO ORDER

ESTABLISH A QUORUM

PUBLIC COMMENTS

Three (3) minutes per person; when asked to the podium, please state your name and whether you live within La Pine city limits.

ADDED AGENDA ITEMS

Any matters added to the Agenda at this time will be discussed during the "Other Matters" portion of this Agenda or such time selected by the City Council

CONSENT AGENDA

Information concerning the matters listed within the Consent Agenda has been distributed to each member of the City Council for reading and study, is considered to be routine, and will be enacted or approved by one motion of the City Council without separate discussion. If separate discussion is desired concerning a particular matter listed within the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda by request of any member of the City Council.

1. None

PUBLIC HEARING: (Suspend the regular meeting and make a declaration of the opening of the public hearing and note the time for the record)

1. Subdivision Application - 03SUB-21 Ponderosa Park
 - a. Public Hearing Script – 03SUB-21.....4.
 - b. 03SUB-21 Application.....8.
 - c. 03SUB-21 Burden of Proof Statement.....16.

d. 03SUB-21 Plans.....69.

e. 03SUB-21 Transportation Impact Analysis.....76.

f. 03SUB-21 – Staff Report.....97.

All public hearings will follow the following procedure:

- A. Opening of Public Hearing
- B. Delivery of Staff Report (City Planning Staff)
- C. Applicant Presentation/Testimony
- D. Public Testimony
- E. Applicant Rebuttal
- F. Close of Hearing (Note: No testimony can be taken by the deliberations body once the hearing is closed)

CLOSE OF PUBLIC HEARING (Note time for the record)

RECONVENE REGULAR MEETING (Note time for the record)

OLD BUSINESS:

- 1. None

NEW BUSINESS:

- 1. Consideration of 03SUB-21 - Deliberation (Note: Final disposition of deliberation body decision must occur outside of the public hearing under business, no additional testimony from any party should be taken. Council may ask clarifying questions but none that allow the submission of new testimony.

PUBLIC COMMENTS

Three (3) minutes per person; when asked to the podium, please state your name and whether you live within La Pine city limits.

STAFF COMMENTS

- 1. Planner Report

2. Public Works Report
3. City Manager Report (Supplemental)

MAYOR & COUNCIL COMMENTS

ADJOURNMENT

Pursuant to ORS 192.640: This notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the City Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend.



CITY COUNCIL MEETING AND PUBLIC HEARING SCRIPT FOR HEARINGS

Wednesday January 19– 5:30 p.m.

La Pine City Hall

16345 6th Street, La Pine OR, 97739

& electronically on Zoom at: <https://us02web.zoom.us/j/83403496645>

I. CALL TO ORDER

Council Chair (or designee) should call the meeting to order. Please note time for the record.

- II. **PUBLIC HEARING OF AN APPLICATION FOR 03SUB-21, Subdivision.** The chair should start by opening the public hearing and saying following: *“This is a quasi-judicial of the public hearing of the La Pine City Council to consider an application for a **Subdivision application** in the **Residential Zone** within the City of La Pine. The decision that will be made here tonight is going to be whether or not the City Council should approve the requested **Subdivision***

*“A copy of the staff report describing the proposed use has been available to the public since **January 12th**, 2022, and City staff has been available for questions and comments regarding the proposed use since that time. Notice of the hearing tonight has been provided to the public through publication in *Wise Buys*, La Pine edition on **January 5th**, 2022, and through public posting at various locations in town on **January 13th**, 2022. Notice was provided to property owners within **100** feet of the location of the proposed use by posted mail in conformance with the City’s municipal code on **December 29th**, 2021. Notice of this hearing was publicly posted at various locations throughout town prior to this meeting.*

“This hearing is an opportunity for the public to comment on the proposed use. I would like to ask those present if there is any objection to the jurisdiction of this council or any of its members? This question is specific to the authority of the La Pine City Council in approving or denying a request for application 03SUB-21, a Subdivision use within the City of La Pine.”

Wait to see if there is a response. If there is, advise the person making the response that they must address the question that was just asked. If they get off topic, cut them off, and ask the question again. There can’t be any confusion about what the issue is, so just make sure that any public present understands what you’re asking. If someone raises a point, staff will try and address it. The rest of these notes assume that there isn’t a legitimate objection to the jurisdiction of the council.

“Hearing no objections to the jurisdiction of this council, I would like to ask if any member of this deliberative body has any conflict of interest or bias regarding the matter before the council tonight.”

There shouldn't be any issue, but if you have any questions about what you think is a conflict of interest or a bias, now is the time to ask. If any member of the council has talked to the applicant or a member of the public about the application, you should mention that and summarize the conversation. You don't need to recuse yourself for conversations about the application, but you should mention them before proceeding. Depending on what is stated, we'll proceed with the public hearing. I don't think there will be any issues, so the next statements are based on the assumption that the council will be able to make a decision tonight.

*“At this time, I'll have the City Planner, summarize the Planner's staff report **(PAGES 104.–150.)**.*

The City Planner will go through the report, note the effect of the requested use, and make any other comments on the application relevant to the council's decision tonight. If there are any questions, please ask so we can get them out of the way during the hearing. We will also relay any correspondence, or written testimony received.

*“At this time, I'll have the City Planner relay and correspondence and written testimony or inquiry received to date since the notice of the public hearing on **December 29th, 2021.**”*

Once we relay any correspondence, or written testimony received the Chair should ask if there are any additional questions of the council before proceeding.

“The decision that will be made tonight is whether or not the City Council will approve of the requested use. The decision to approve or deny the use will be adopted through a final order that staff will prepare after the meeting tonight (If there is no continuance requested by a party to the hearing or the City Council itself). Any appeal to the decision made here tonight must be submitted to the City Recorder within ten days of the date that the final order is signed. Once staff has prepared the final order and we have signed it, the applicant will be notified along with anyone else that requests or is required to be notified. Notification will be provided within five days of the date that the order is signed. Are there any questions about this process?”

You may get a few questions at this point. You can let the City Planner and I answer any of these questions.

APPLICANTS TESTIMONY – *“The City Council now calls for the applicant to present any testimony regarding their application.”*

This is an opportunity for the applicant or their representative(s) to present any information/testimony regarding the application as submitted. **(PAGES 8. – 103.)**

PUBLIC COMMENT - *“The City Council will now call for public testimony. First, we will hear from Proponents, then Opponents, then people neither in support nor in opposition to the application.*

*If there are any comments on the proposed use, please keep those comments brief and to the point. If there is an objection to a proposed use, **the objection needs to address relevant facts or information from the City’s municipal code, the City’s comprehensive plan, the Planner’s staff report or relevant State law.** Any material produced in relation to, support or opposition of, the proposed use must be submitted to the Recorder to be included in the record. Failure to address a pertinent criterion at this hearing will preclude an appeal based on that criterion. Any party may request that the record for this hearing be held open for at least seven days; however, this request must be made prior to the close of this hearing and is subject to the requirements of ORS 227.178 which requires the governing body of a city or its designee to take final action on an application for a permit, including resolution of all appeals within 120 days after the application is deemed complete. The City received and deemed the application complete on **September 24, 2021.***

Comments are limited to three minutes. Persons wishing to speak must first be recognized by the chair and the meeting administrator and must state their name and address. If you are representing another person or entity, please state who that is and what your connection to that person or entity is.

I will be calling for public comment in following fashion:

- 1. Proponents or supporters of the application*
- 2. Opponents or those who do not support the application*
- 3. Neutral parties neither in support or opposition of the application”*

I’ll hand the sign-in sheet (if we are conducting an in-person meeting or will recognize participants that elect to be recognized by virtual means) to the chair and he/she can start going through the names. I will keep a list as well to ensure that we follow the order of testimony correctly You’ll want to take proponents comments first, opponents second and neutral testimony last,

The applicant gets three minutes to respond to each opponent. If the applicant gives new information during their rebuttal, the opponent that they addressed gets an additional three minutes to respond. Once someone starts talking, you’ll want to make sure they don’t get interrupted. If a person has a specific objection to the proposed use, they need to make that objection at this time.

“I will take any Proponents’ testimony first.”

Please re-indicate that it is important for those wishing to speak, to only identify themselves if they are proponents at this time.

“I will now take any Opponents testimony. Please keep in mind that the applicant gets three minutes to respond to each opponent. If the applicant gives any new information during their rebuttal, the opponent in turn gets an additional three minutes to respond.”

Let anyone who has been identified by the meeting administrator in opposition to the application make public comment at this time. Please follow the standards as described above in the proponent's category.

"I will now take any Neutral testimony."

Let anyone who has been identified by the meeting administrator as neutral to the application make public comment at this time. Please follow the standards as described above in the proponent's category.

"Are there any questions from the council about comments received at this time?"

This gives the councilors a chance to clarify anything they have heard. Since we are still in the public hearing, I would suggest that the council stay on topic with what has been said during the public comment.

"Is there a request to keep the record open?"

If such a request is made, the council needs to leave the record open for at least seven days. If this happens, the chair should set a date to reconvene at a time and place certain, and the hearing will be concluded at that time. There are no special noticing requirements for reconvening.

"This public hearing of the City Council will re-convene on XXXX,XX, 2022."

Make sure no deliberation or decisions by the Council are made while in the public hearing. This needs to take place during the regular session of the Council, under new business, once the regular meeting is reconvened.

Once this is done the council chair can close the public hearing. Please state the time for the record.

"I now close this public hearing at XX:XX and will open the regular meeting of the La Pine City Council at XX:XX."

Enter into new business in the regular meeting as indicated on the agenda.



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

Subdivision Application

Fee \$ 4,000.00
+\$50 per lot

File Number #

Name of Subdivision: Ponderosa Park

Number of Lots: 45

Applicant Name Blue Collar Investments, LLC Phone 541-233-8671 Fax

Address 2669 Twin Knolls Road #105

City Bend State OR Zip Code 97701

Email bluecollarinvlc@gmail.com

Property Owner HSG LLC Phone Fax

Address 61547 Tom Macarthur Loop

City Bend State OR Zip Code 97702

Email hwatson@hayden-homes.com

PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area)

51330 Wheeler Road

Legal Description: Tax Map & Lot Number(s) 221014DB01000

Present Zoning RSF - Residential Single-Family

Total Land Area (Square Ft.) 14.30 (Acres)

Present Land Use Vacant Land



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PROJECT DESCRIPTION

Describe Project

The proposed project is a 45 lot subdivision that includes 44 single family lots and one larger lot for proposed multi-family development. The multi-family units are addressed in a separate Site Plan application. The proposal includes all necessary improvements including streets, utilities, parking and landscaping.

PROFESSIONAL SERVICES

Architect/Surveyor/Engineer April Pust - BECON Phone 425-773-1998 Fax
Address 549 SW Mill View Way City Bend State OR Zip 97702

Builder or Agent Blue Collar Investments, LLC Phone 541-233-8671 Fax
Address 2669 Twin Knolls Road #105 City Bend State OR Zip 97701

Applicant: DocuSigned by: Hayden Watson - HSG LLC Date: 9/6/2021
Signature

Owner/Agent: DocuSigned by: Blue Collar Investments Date: 9/7/2021
(Circle One) Signature

If you are the authorized agent, please attach the letter of authorization signed by the owner.
NOTE: This may not be a complete list of land use requirements. Dependent on the specifics of the proposal, additional information may be required after further review.

FOR OFFICE USE ONLY

Date Received:
Rec'd By:
Fee Paid:
Receipt #:



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SUBMITTAL REQUIREMENTS

Step 1: Tentative Plan Review

The following information and material must be submitted by the applicant. Other information may be required in some cases.

- ✓ Application. The application must be signed by the owner(s) and include information requested on the application form. If the owner does not sign, then a letter of authorization must be signed by the owner for the agent.
- ✓ Title Report or subdivision guarantee.
- ✓ Application Fee.
- ✓ Burden of Proof Statement documenting compliance with approval criteria for Subdivisions
- ✓ A vicinity map.
- ✓ A trip generation letter. Additional traffic analyses may be required, based on the results of the trip generation estimates.
- ✓ Supplemental information: All agreements with local governments that affect the land and proposed use of property.
- ✓ Tentative Plan. Three (3) copies of the tentative plan. The tentative plan should be on a sheet 18" x 24 inches. Standard engineering scales of 1 inch equals 10, 20, 30, 40, 50, or 60, 100 or 200 feet shall be used. Electronic copies of all documents shall be submitted.

The tentative plan must include:

- ✓ Identification of the drawing as a tentative plan for a subdivision.
- ✓ Adjacent property boundaries, property owners and abutting land uses.
- ✓ A north arrow, scale and date of map and property identified.
- ✓ Location of the property by section, township and range, and a legal description defining the location and boundaries of the proposed tract to be divided.
- ✓ Names, addresses, and telephone numbers of the property owner(s), applicant(s), the engineer or surveyor.



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- The date of the plan preparation.
- Existing and proposed streets and alleys: The locations, name, pavement widths, rights-of-way width, approximate radius of curves, and street grades.
- Postal box location(s): Centralized box units (CBUs) shall be shown on the site plan and installed by applicant/developer, and accompanied by a 'letter of confirmation' from the U.S. Post Office.
- Future streets: The pattern of future streets from the boundary of the property to include other tracts surrounding and adjacent to the property unless a future street plan has been adopted.
- Access: The locations and widths of existing and proposed access points along with any off-site driveways effected by the proposal.
- Easements: The locations, widths, and purposes of all existing and proposed easements on or abutting the property.
- Utilities: The location of all existing and proposed public and private sanitary sewers, water lines and fire hydrants on and abutting the property.
- Statement from each utility company proposed to serve the proposed subdivision stating that each such company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions and estimated costs of such service. Each utility purveyor shall be noted on the tentative plan.
- Drainage Plan: The location of water drainage points on the property and grades necessary to prevent off-site drainage.
- Topography: Ground elevations shown by contour lines at two foot intervals for ground slopes less than 5% and at 5 foot intervals for ground slopes 5% or greater. Such elevations shall be related to an established bench mark or other acceptable engineering datum. Source of datum shall be indicated on the plan.
- Trees: All trees with a diameter of six inches or greater measured three feet above ground level.
- Water Features: Irrigation canals, ditches & areas subject to flooding or ponding.
- Other natural features (Rock outcroppings, canyon walls, etc.)
- Lot & parcel dimensions: Dimensions of existing and proposed lots and parcels.



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- Lot & parcel numbers: Parcel numbers for partitions and lot numbers and blocks for subdivisions.
- Lot and parcel size: All proposed sizes in either square feet or acres.
- Existing uses: Setback from all property lines and present uses of all structures.
- All tracts of land intended to be deeded or dedicated for public use.
- N/A** Overlay zones: The location and dimensions of any special district which is located on or abutting the property.
- Any Proposed deed restrictions or protective covenants, if proposed to be utilized for the proposed development.

Step 2: Final Plat Application and Approval

- Signatures Required. The final plat must be signed by the City Manager, City Public Works Director, the County Surveyor, and the County Assessor.
- Recording the Final Plat. Following City approval of the final plat, the replat shall be recorded by the **applicant** within two (2) years unless an extension request is filed by the applicant and approved by the City. Platting may not occur until required public improvements have been completed, inspected and accepted, or bonded and a Land Division Agreement recorded.
- Building permits. Building permits can only be issued after the plat is recorded and improvements have been completed, inspected and accepted unless otherwise approved. Public Works issues the final letter of completion when construction of all public improvements is accepted.
- Occupancy permit. Occupancy permits can only be issued after any required Public Improvements have been accepted by Public Works.



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By signing, the undersigned certifies that he/she has read and understood the submittal requirements outlined above, and that he/she understands that omission of any listed item may cause delay in processing this application.

I (We) the undersigned acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

DocuSigned by:
Applicant: Blue Collar Investments Date: 9/7/2021
59917420092042A...
Signature

DocuSigned by:
Owner/Agent: Hayden Watson - HSG LLC Date: 9/6/2021
33AC09F07E894B1...
(Circle One) Signature

If you are the authorized agent, please attach the letter of authorization signed by the owner.
NOTE: This may not be a complete list of land use requirements. Dependent on the specifics of the proposal, additional information may be required after further review.



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City of La Pine Land Division Code, Requirements for approval of tentative plat for a subdivision

(l) Requirements for approval. An outline development plan or a tentative plan for a subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth by this chapter and other applicable City of La Pine ordinances, standards and regulations, that the following requirements have been met:

- (1) The proposed development is consistent with applicable goals, objectives and policies set forth by the City's Comprehensive Plan.
- (2) The proposal is in compliance with the applicable zoning regulations applicable thereto.
- (3) The proposal is in compliance with the design and improvement standards and requirements set forth in Section 10.0.0, or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.
- (4) The subdivision will not create an excessive demand on public facilities and services required to serve the proposed development, or that the developer has proposed adequate and equitable improvements and expansions to the facilities with corresponding approved financing therefore to bring the facilities and services up to an acceptable capacity level.
- (5) The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this chapter and the Comprehensive Plan.
- (6) The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)
- (7) The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.
- (8) Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.
- (9) Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.



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- (10) Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.
- (11) Provisions of the proposed development provide for a range of housing needs, particularly those types identified as needed or being in demand.



BECON, LLC

Civil Engineering and Land Surveying

549 SW Mill View Way, Suite 100 • Bend OR, 97702 • 541.633.3140

Burden of Proof
Tentative Plan and Site and Design Review Application
Ponderosa Park
City of La Pine

Applicant: Blue Collar Investments LLC
2669 Twin Knolls Dr #105
Bend, OR 97701

Engineer: BECON Civil Engineering & Land Surveying
549 SW Mill View Way, Suite #100
Bend, OR 97702

Traffic Engineer: Transight Consulting, LLC
Joe Bessman, Principal
61271 Splendor Lane
Bend, OR 97702

Location: The subject property is located directly south of the intersection of Cabin Lake Lane and Wheeler Road. The property address is 51330 Wheeler Road, La Pine, OR 97739 and consists of Tax Lot 221014DB01000.

Request: Tentative Plan Review and Site and Design Review to approve a 45-lot subdivision on a 14.30-acre lot located in the Residential Single-Family (RSF) zone. Lot 45 has a proposed 55-unit multi-family residential development.

I. Applicable Criteria, Standards, and Procedures:

Article 3 – Zoning Districts:

City of La Pine Development Code

- Chapter 15.16. – Establishment of Zones
- Chapter 15.18. – Residential Zones (RSF, RMF)

Article 5 – Development Standards:

City of La Pine Development Code

- Chapter 15.80. – Development Standards, Generally
- Chapter 15.82. – Landscaping, Buffering and Fences
- Chapter 15.86. – Parking and Loading
- Chapter 15.88. – Access and Circulation
- Chapter 15.90. – Public Facilities

- Chapter 15.92. – Additional Standards for Land Divisions
- Chapter 15.94. – Improvement Procedures and Guarantees

Article 6 – Special Use Standards

City of La Pine Development Code

- Chapter 15.104.040. – Multi-Family Development

Article 9 – Land Divisions:

City of La Pine Development Code

- Chapter 15.402. – General Provisions
- Chapter 15.406. – Subdivisions and Planned Unit Developments (PUD)
- Chapter 15.418. – Processing and Recording Procedures

II. General Facts:

1. **LOCATION:** The subject property is located directly south of Finley Butte Park. The property address is 51330 Wheeler Road, identified as Tax Lot 221014DB01000.



2. **EXISTING ZONING AND GENERAL PLAN DESIGNATIONS:** The property is zoned Residential Single-Family Residential (RSF) on the La Pine Area Zoning Map and is designated Residential on the La Pine Comprehensive Plan Map.

3. **SITE DESCRIPTION & SURROUNDING USES:** The subject property is 14.30 acres in size and rectangular in shape. The property is undeveloped and there are no designated Areas

of Special Interest or special features on the property. The subject property is surrounded to the north by Finley Butte Park and single-family dwellings zoned RSF, to the west by Walling Lane, to the east by single-family dwellings zoned RSF and to the south by land zoned industrial.

4. PROPOSAL: The proposal includes Tentative Plan Review for 44 single-family lots and 54 multi-family dwelling units on a separate tract. The proposed development includes all rights of way, access, parking, water, and sewer facilities needed to serve the planned use.

5. EXHIBITS: In addition to this burden of proof statement, the applicant submits the following Exhibits in support of this proposal:

- Application Form
- Title Report
- Vicinity Map
- Trip Generation Statement
- Tentative Subdivision Plans
 - Cover Sheet
 - Existing Conditions and Demo Plan
 - Tentative Subdivision Plan
 - Site and Utility Plan
 - Grading and Drainage Plan
- Landscape Plans
- Building Elevations
- Fire Flow Analysis
- Street Name Approval – Deschutes County

7. APPLICATION ACCEPTANCE DATE: A Site and Design Review Application is submitted with this document. City Staff will review the materials and provide the applicant with a list documenting any items determined to be incomplete. The applicant anticipates that the application will be deemed complete when the applicant responds to any incomplete items and pays all required application fees.

III. Conformance with Article 3 – Zoning Districts Criteria:

CHAPTER 15.16. ESTABLISHMENT OF ZONES

Sec. 15.16.010. Purpose.

Chapter 15.16 establishes zoning districts, consistent with the City of La Pine Comprehensive Plan. Every unit of land (parcel, lot, tract, and right-of-way) within the City of La Pine is designated with a zoning district or "zone," and may also be designated with one or more overlay zones. The use of land is limited to the uses allowed by the applicable zone(s).

Applicant Response: This is a purpose statement and does not contain any measurable approval criteria or development standards.

Sec. 15.16.020. Classification of zones.

Zone boundaries are as depicted on the zoning map. The city maintains official copies of the zoning map and comprehensive plan. Where a conflict between documents arises, the comprehensive plan shall govern. The full names, short names, and map symbols of the zones are listed in Table 15.6-1.

<i>Table 15.16-1. Classification of Zones</i>	
<i>Zone Full Name</i>	<i>Short Name/Map Symbol</i>
Residential Single Family	RSF

Applicant Response: The property is currently zoned RSF – Residential Single Family on the zoning map and comprehensive plan.

CHAPTER 15.18. RESIDENTIAL ZONES

Sec. 15.18.100. Purpose.

Chapter 15.18 regulates allowed land uses ("uses") and sets forth lot and development standards, including, without limitation, minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the residential zones. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

Applicant Response: This is a purpose statement and does not contain any measurable approval criteria or development standards.

Sec. 15.18.200. Characteristics of the residential zones.

Residential zones are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. There are two residential zones in the city:

- A. *Residential Single-Family Zone (RSF).* The RSF zone permits residential uses at densities between one and seven dwelling units per gross acre. Permitted residential uses consist primarily of detached single-family housing, duplexes, and low density multi-family developments. The RSF zone also allows community service uses such as churches, schools, and parks that may be subject to special use standards.

Applicant Response: The project proposes single family housing and low density multi-family development, which are both permitted in the RSF Zone. The total density of the proposed development is 7 units/acre and the permitted density is 1 to 7 units per acre. This criteria has been met.

Sec. 15.18.300. Use regulations.

Uses may be designated as permitted, limited, conditional, or prohibited in the residential zones. As noted in Table 15.18-1, a use may also be subject to special use standards of article 6.

- A. *Permitted uses (P)*. Uses allowed outright in the residential zones are listed in Table 15.18-1 with a "P."
- B. *Limited uses (L)*. Uses allowed in the residential zones subject to limitations are listed in Table 15.18-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.18-1.
 - 1. Commercial lodging. Commercial lodging uses in the RSF and RMF zones are limited to bed and breakfast inns.
 - 2. Retail sales and service. Retail sales and service uses in the RSF and RMF zones are limited to veterinary clinics and commercial kennels where the animal-related facilities are primarily indoors.
 - 3. Self-service storage. Self-service storage uses are required to have a minimum lot size of five acres.
 - 4. Parks and open areas. Cemeteries require a conditional use permit in the RSF and RMF zones. All other parks and open areas uses permitted outright.
- C. *Conditional uses (CU)*. Uses which are allowed if approved through the conditional use review process are listed in Table 15.18-1 with a "CU." These uses are allowed provided they comply with the conditional use requirements of chapter 15.316, conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.
- D. *Prohibited uses (N)*. Uses listed in Table 15.18-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of chapter 15.08, non-conforming uses and structures.

<i>Table 15.18-1. Use Regulations in the Residential Zones</i>			
<i>Use Category</i>	<i>RSF</i>	<i>RMF</i>	<i>Special Use Standards</i>
<i>Residential Use Categories</i>			
Household Living	—	—	—
- Single-family dwelling	P	P	—
- Cottage cluster development	P	P	Section 15.104.050
- Townhome	P	P	Section 15.104.020
- Duplex	P	P	Section 15.104.030
- Multi-family development	P	P	Section 15.104.040
- Manufactured dwelling	P	P	—
- Manufactured dwelling park	P	P	Section 15.104.060

Applicant Response: The proposed single family dwellings and multi-family apartment units are permitted outright in the RSF zone. A conditional use permit is not applicable.

Sec. 15.18.400. Development standards.

- A. *Purpose.* The development standards for residential zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally ensure that new development will be compatible with the city's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.
- B. *Development standards.* The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.18.500. Footnotes in the table correspond to the sections below.
 - 1. Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.
 - 2. Accessory dwellings do not count toward the maximum density standard in the RSF zone.

<i>Table 15.18-2. Development Standards in the Residential Zones</i>		
<i>Standard</i>	<i>RSF</i>	<i>RMF</i>
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes. Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	—	—
- Front or street-side yard	20 feet	20 feet

- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See chapter 15.82	

Applicant Response: The proposed development meets all development code requirements for density, street frontage, setbacks, building height, lot coverage and landscaping. See the included planning drawings for detailed information about each of the above criteria.

Sec. 15.18.500. Additional standards.

- A. RSF zone. The following standards apply to all development in the RSF zone:
1. No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure's interior, except for screened-in porches.
 2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.
 3. See article 5 for additional development standards.

Applicant Response: All proposed dwellings have been designed per the above standards. See architectural plans for details.

IV. Conformance with Article 5 – Development Standards Criteria:

CHAPTER 15.80. DEVELOPMENT STANDARDS, GENERALLY

Sec. 15.80.010. Purpose.

Article 5 contains development and design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through the provision of landscaping and buffering, parking and loading facilities, multimodal accessibility and interconnectivity, and adequate public facilities.

In interpreting and applying this article, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Applicant Response: This is a purpose statement and does not contain any measurable approval criteria or development standards.

Sec. 15.80.020. Applicability.

Any land division or development, and the improvements required therefore, shall be in compliance with the development, design and improvement standards and requirements set forth in this article. Other provisions of this Development Code, other city ordinances, or state statutes or administrative rules may also apply.

Applicant Response: The applicant understands the requirements of this section and will comply.

Sec. 15.80.030. Exemption - lot size requirements.

- A. The following exemptions to minimum lot size requirements shall apply:
1. Non-conforming lots or aggregate of contiguous lots or parcels held in a single ownership has an area or dimensions which do not meet the lot size or dimensional requirements of the applicable zone, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; providing, however, residential use shall be limited to single-family dwelling unit or to the number of dwelling units consistent with the equivalent densities of the zone.
 2. Any parcel of land or portion thereof, which is to be dedicated to a public, semi-public or public utility for a park, school, road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this chapter and the applicable zone.
- B. For all other lot size requirements in all other zones, applicants may propose approval of exceptions or variances in accordance with the application requirements in article 8.

Applicant Response: No exemptions to minimum lot size are being requested. This section does not apply.

Sec. 15.80.040. Exemption - yard or setback requirements.

The following exemptions to yard or setback requirements are authorized for a lot or use in any zone:

- A. If there is a lot where there are buildings on abutting lots, and the buildings are within 100 feet of the intervening lot, and the buildings have front yards less than the required front yard for the applicable zone, the depth of the front yard for the subject lot need not exceed the average depth of the front yards of the abutting lots.
- B. If there is a building on only one abutting lot within 100 feet with a front yard less than the required front yard for the zone, the front yard of the subject lot need not exceed a depth one-half way between the depth of the yard on the abutting lot and the required front yard of the applicable zone.

-
- C. Architectural features such as cornices, eaves, sunshades, canopies, gutters, chimneys and flues may project into a required yard two feet, provided that the projection is not closer than three feet to a property line, and, drainage or snowdrift does not flow onto abutting properties or right-of-way, and, fumes from woodstoves are not directed to other properties. Steps, terraces, platforms, patios, decks and porches having no roof covering, and fences not interfering with vision clearance requirements or drainage requirements may be permitted in required yards, except as otherwise limited or provided for by this chapter, or as otherwise approved by the city.

Applicant Response: No exemptions to setback requirements are being requested. The applicant understands that certain architectural features can project into the setbacks, per this standard.

Sec. 15.80.050. Supplementary height regulations.

The maximum height limitations shall not apply to:

- A. The following principal structures: Church, college, farm structure (other than a farm dwelling), hospital, radio or television tower, exhaust stack, emergency services structure, or public utility structure which is a permitted use and is located in any zone, provided it shall conform to the setback and yard requirements of the zone where it is located plus one additional foot horizontally for each foot over 45 feet in height.
- B. The following appurtenances attached to or part of a principal or accessory structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus one foot horizontally for each foot in which it exceeds 45 feet in height above ground level. The principal or accessory structure to which it is attached may conform to setback and yard requirements with no additional setback provided the principal or accessory structure conforms to the height limitations of the zone.

Applicant Response: The single family homes for the proposed subdivision will be submitted for review under a separate application. The proposed multi-family buildings are two stories and vary in height. The proposed multi-family building heights are as follows:

- Building Type C = 29'-0"
- Building Type D = 29'-0"
- Building Type E = 30'-3 ½"
- Building Type F = 31'-4"
- Building Type G = 30'-6"

All proposed buildings are well below the maximum height of 45 feet. This criteria has been met.

Sec. 15.80.060. Restrictions on the use of metal shipping containers.

Except as specified below, metal shipping containers shall not be placed on-site:

- A. In residential zones, no metal shipping containers shall be utilized as a dwelling at any time, or as storage structures for greater than 30 days.
- B. In commercial zones, metal shipping containers shall not be placed on-site, with the exception of short-term use for construction or relocations (30 days or less), or in the case of construction; 30 days after a certificate of occupancy has been issued.
- C. In industrial zones, metal shipping containers are permitted for storage uses.

Applicant Response: No metal shipping containers are proposed. This standard does not apply.

CHAPTER 15.82. LANDSCAPING, BUFFERING AND FENCES

Sec. 15.82.010. Landscaping and buffering requirements.

The following minimum landscape requirements are established for all developments subject to site plan approval, unless approved otherwise by the reviewing authority:

- A. *Exemption.* The provisions of this section may be exempted for uses existing on or before the effective date of this Development Code that are a permitted use in a specific zone in an existing building or buildings on a lot or parcel of land of the scale that there is no remaining room for landscaping; this exemption shall also apply to the exterior remodeling and/or expansion of not more than 25 percent of the total square footage of all enclosed structures on a lot or parcel existing under a unit ownership on or before the effective date of this Development Code.
- B. *Area required.* Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:
 1. Duplexes and triplexes: 25 percent.
 2. Multi-family dwelling complexes containing four or more units and commercial residential mixed uses (CRMX): 20 percent.
 3. Commercial uses including mixed use commercial (CMX): 15 percent.
 4. Industrial uses. A minimum five-foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of ten percent.
 5. Minimum area requirements may include landscaping around buildings, in parking and loading areas, outdoor recreational use areas, screening and buffering areas, and surface water drainage areas.

Applicant Response: The project is subject to the multi-family dwelling complex criteria:

Total Project Area = 180,021 SF

Landscape Area = 65,780SF

Landscape Area required (36,004 SF) = 20%

Landscape Area provided = 36.5%

36.5% < 20% This criteria has been met.

- C. *Landscaping defined.* Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees,

shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials. The total amount of nonliving materials (including bark dust, chips, aggregate, or other non-plant ground covers) shall not exceed more than 50 percent of the required landscape area.

Applicant Response:

Living (vegetated plant beds 47,762 SF + Native preserved area = 8,703 SF = 56,465 SF

Non-living (engineered wood fiber/bark, concrete at parks, rock/aggregate) = 9,315 sf

Required Landscape (36,004 SF) / Non-living Landscape (9,315 SF) = **25.9% < 50%**

This criteria has been met.

- D. *Existing vegetation.* Existing site vegetation may be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.

Applicant Response: 8,703 SF of existing Lodgepole pine and native understory are being preserved along the eastern and southern borders of the project area. These areas are to be selectively thinned, trimmed, and dead material removed for Firewise best practice. The area provides screening and preserves native ecology, while providing maintenance access to the interior landscape.

- E. *Parking lots.* Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:
 1. In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.

Applicant Response:

(95) Parking Spaces provided / 10 x 32SF = 304 SF Landscape Required

There are not more than 10 stalls in a row without a vegetated curbed landscape plant bed. This criteria has been met.

- 2. If required, each planter shall contain at least one tree or shrub and ground cover.

Applicant Response: Each required planted area contains trees, shrubs, grasses, and perennials; this criteria has been met.

- 3. The areas shall be designed to be protected from being damaged by vehicles using the parking area.

Applicant Response: Curbs are to be installed in parking areas, to protect the landscape areas; this criteria has been met.

4. Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.

Applicant Response: Parking areas are separated from residential structures by both a 6'-8' wide sidewalk and 5' wide minimum vegetated landscape bed. 11' provided is > 5' required, this criteria has been met.

5. Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.

Applicant Response: A 6' high solid screening fence will be installed along the east side of Wheeler Rd between ROW and parking areas. Additionally, 5'-8' height screening grasses are to be installed in landscape areas between parking and Wheeler Road at Harold Avenue, see sheet L-02. This criteria has been met.

G. *Plant material installation standards.* Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:

1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.

Applicant Response: All trees will be staked for one year minimum or longer until trees are properly established, see sheet L-04 Details.

2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.

Applicant Response: All plants procured will meet ANSI Nursery Stock Standards. All proposed trees will be 15 gallon or 6' height minimum, meeting or exceeding the height requirement of six feet. See sheet L-04 Plant Schedule for trees sizes.

3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.

Applicant Response: All plants procured will meet ANSI Nursery Stock Standards. All proposed shrubs will be 3-5 gallon, exceeding the one-gallon requirement. See sheet L-04 Plant Schedule for trees sizes.

4. Rows of plants should be staggered to provide for more effective coverage.

Applicant Response: Plants are to be staggered as shown on planting layout and detail, see sheets L-01 through L-04.

H. *Maintenance and plant survival.* All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant

proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

Applicant Response: All newly planted landscape areas will be irrigated and continuously maintained. The owner/property management company will be responsible for plant maintenance, survival, and replacement.

Sec. 15.82.020. Fences and walls.

The yard and setback requirements of this Development Code shall not be deemed to restrict any otherwise lawful fence, wall, or sign, provided that no fence, wall, or sign shall be located on any right-of-way of a public road.

- A. *Materials.* Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as provided below.
 - 1. Barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, are permitted in any zone where the keeping of livestock is permitted.
 - 2. Electric fences are permitted in any zone where the keeping of livestock is permitted, provided the following standards are met:
 - a. The fence product shall be listed by a State of Oregon approved testing laboratory.
 - b. The fence shall be installed and used in accordance with the testing laboratory listing.
 - c. Electrical permits and inspections shall be required for the installation.
 - d. Warning signs which notify individuals of a dangerous fence shall be posted on the fence, at intervals not to exceed 50 feet. The statement, DANGER - Electrified Fence, or an equivalent statement, shall be on the warning signs.
 - e. The fence must be located outside any front yard setback and required landscaping, buffering or screening areas.
- B. *Standards.*
 - 1. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.
 - 2. All required swimming pool and hot tub fencing shall be a minimum of four feet in height and be equipped with a self-locking gate that closes automatically.
 - 3. Fences within a front or street side yard shall also conform to the clear vision requirements at intersections, which further restrict the use or height of sight-obscuring fences.
 - 4. In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.
 - 5. Within residential and commercial zones, fences within the required front yard setback may not exceed four feet in height except that one incidental garden

structure (e.g., arbor or gate) not exceeding eight feet in height and six feet in width is allowed within the required front yard provided it does not encroach into a required clear vision area. All other fences in all zones shall not exceed seven feet in height.

6. Other provisions of this Development Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.

Applicant Response: A six foot cedar privacy fence is proposed along the east side of the Wheeler Road extension and will be constructed per these standards. Individual privacy fences may be constructed with the single family homes at a later date and under a separate permit.

CHAPTER 15.86. PARKING AND LOADING

Sec. 15.86.010. Applicability.

Off-street loading and vehicle and bicycle parking spaces shall be provided in accordance with the specifications of this chapter in all zones whenever any new use is established, an existing use is enlarged, or an existing use of land or structure is changed to a new use. Such new, enlarged, or changed use shall fully comply with the specifications of this chapter prior to being given a certificate of use and occupancy.

Sec. 15.86.020. Off-street loading.

- A. Every commercial and industrial use which requires the receipt or distribution of material or merchandise by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate.
- B. Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Each off-street loading space shall not be less than 12 feet wide by 55 feet long unless otherwise approved by the city through site design review.
- C. Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
- D. Exceptions and adjustments. The city, through site design review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.

Applicant Response: The proposed use is not commercial or industrial and does not require an off-street loading space. However, the proposed public streets in the subdivision and parking

lot/drive aisles in the multi-family development are designed to allow emergency vehicles, delivery vehicles and garbage trucks to maneuver easily throughout the site.

Sec. 15.86.030. Off-street parking - required.

- A. *Location of off-street loading and parking spaces.* Except as otherwise permitted by this Development Code, required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use.
- B. *Encroachment or reduction.* A required loading or parking space shall not be encroached upon by a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section unless a special exception or variance has been approved.

Applicant Response: All off-street parking spaces are located on the same lot with the principal use they intend to serve, per this standard. See the Site and Utility Plans for more detail.

- C. *Calculations of amounts of required and allowed parking.*
 - 1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.
 - 2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see subsection I below.
 - 3. When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.

Applicant Response: The single family lots require one parking space per unit. The future homes will likely have one or two car garages, in addition to the driveway parking spaces. The multi-family development requires one space per unit and there are 56 units proposed. There are 89 parking spaces proposed which equates to 1.6 spaces per unit. This criteria has been met.

- D. *Use of required parking spaces.* Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to subsection I.

Applicant Response: All proposed parking spaces will be available for tenants of the apartment units.

- E. *Improvement of parking areas.* Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved

structures; and on driveways or parking lots that have been developed in conformance with this Development Code.

Applicant Response: All parking areas are proposed to be paved in conformance with this development code.

- F. *Minimum number of off-street automobile parking spaces.* Except as required for Americans with Disabilities Act compliance under subsection L, off-street parking shall be provided pursuant to one of the following three standards:
1. The standards in Table 15.86-1;
 2. A standard from Table 15.86-1 for a use that the planning official determines is similar to the proposed use. For uses not specified in the table, the city shall determine parking based on submission of technical data from applicant or city sources; or
 3. Subsection (H), parking exceptions, which includes a parking demand analysis option.

<i>Table 15.86-1. Automobile Parking Spaces by Use</i>	
<i>Use Categories</i>	<i>Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.)</i>
<i>Residential Categories</i>	
Single-family dwelling, including manufactured dwellings on lots or in parks	One space per dwelling
Duplex	Two spaces per duplex (one space per dwelling unit)
Accessory dwelling (second dwelling on a single-family lot)	Two spaces total for primary dwelling and accessory dwelling
Multi-family	One space per dwelling unit
Group living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per four bedrooms

Applicant Response: The single family lots require one parking space per unit. The future homes will likely have one or two car garages, in addition to the driveway parking spaces. The multi-family development requires one space per unit and there are 56 units proposed. There are 89 parking spaces proposed which equates to 1.6 spaces per unit. This criteria has been met.

- G. *Maximum number of off-street automobile parking spaces.* The following standards for maximum number of automobile parking spaces promote efficient use of land and compact development patterns.
1. *Applicability.* Developments subject to site plan review must conform to the maximum parking standards.
 2. *Standards.* Unless otherwise approved by the city through site plan review, the maximum number of off-street automobile parking spaces allowed for a commercial development equals the minimum number of required spaces, pursuant to Table 15.86-1 times a factor of 2.0. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements.

Applicant Response: The proposed development does not exceed the maximum number of off-street parking spaces.

H. *Exceptions and reductions to off-street parking.* An applicant may propose a parking standard that is different than the standards under subsections F or G, for review and action by the planning official through a Type II procedure. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. The number of required off-street parking spaces may also be reduced through the provision of shared parking, pursuant to subsection I.

Applicant Response: No exemptions or reductions to the proposed parking requirement are being requested. This criteria does not apply.

I. *Shared parking.* Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and, provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through site plan review.

Applicant Response: All of the multi-family parking spaces will be located on one tax lot and shared amongst the buildings on that lot.

J. *Parking stall design and minimum dimensions.* Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Development Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other city-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 15-86-2 and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management.

Parking Angle	Stall Width	20' Stall	Aisle Width (*one way)	Curb Length	Bay Width
0°	9'-0"	9.0	12.0	22.0	30.0
	9'-6"	9.5	12.0	22.0	31.0
	10'-0"	10.0	12.0	22.0	32.0
45°	9'-0"	19.8	13.0	12.7	52.5
	9'-6"	20.1	13.0	13.4	53.3
	10'-0"	20.5	13.0	14.1	54.0
60°	9'-0"	21.0	18.0	10.4	60.0
	9'-6"	21.2	18.0	11.0	60.4
	10'-0"	21.5	18.0	11.9	61.0
70°	9'-0"	21.0	19.0	9.6	61.0

	9'-6"	21.2	18.5	10.1	60.9
	10'-0"	21.2	18.0	10.6	60.4
90°	9'-0"	20.0	24.0	9.0	64.0
	9'-6"	20.0	24.0	9.5	64.0
	10'-0"	20.0	24.0	10.0	64.0
*24' minimum for two-way traffic					

Applicant Response: All proposed parking spaces are 90 degree spaces with dimensions of 9'x20'. The drive aisles are a 24 feet in width.

- K. *Adjustments to parking area dimensions.* The dimensions in subsection (J) are minimum standards. The city planning official, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.

Applicant Response: No adjustments to the parking dimensions are proposed or requested. This criteria does not apply.

- L. *Americans with Disabilities Act (ADA).* Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

Applicant Response: The proposed multi-family development contains four 12-unit apartment buildings and one 8-unit apartment building, totaling 56 units. The parking requirement is one space per unit which equals 56 spaces. There are a total of 89 parking spaces proposed and 6 of those are ADA (and van) accessible. See Site and Utility Plan for ADA stall locations. This standard has been met.

Sec. 15.86.050. Bicycle parking.

- A. *Exemptions.* This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The planning official may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.
- B. *Standards.* Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 15.86-3. Where an application is subject to conditional use permit approval or the applicant has requested a reduction to an automobile-parking standard, the city may require bicycle parking spaces in addition to those in Table 15.86-3.

<i>Table 15.86 -3. Minimum Required Bicycle Parking Spaces</i>	
<i>Use</i>	<i>Minimum Number of Spaces</i>
Multi-family residential (not required for parcels with fewer than 4 dwelling units)	2 bike spaces per 4 dwelling units

- C. *Design.* Bicycle parking shall consist of staple-design steel racks or other city-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:

1. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area;
 2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;
 3. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet;
 4. An access aisle of at least five feet shall be provided in each bicycle parking facility;
 5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.
- D. *Hazards.* Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of section 15.88.040.

Applicant Response: The proposed multi-family development contains four 12-unit apartment buildings and one 8-unit apartment building, totaling 56 units. Two bike parking spaces are required for every four units, which equates to 28 bike spaces. There are 14 inverted U bike parking spaces proposed and each one can hold up to two bikes. See the Site and Utility Plan for details and locations.

Sec. 15.86.060. Snow storage areas.

- A. *Purpose.* The purpose of these standards is to ensure that adequate space is be provided within a development for storage of snow in winter months in order to accommodate space needed for access, circulation, and off-street parking.
- B. *Applicability.* Snow storage standards apply to all subdivisions and to developments subject to site plan review.
- C. *Standards.*
 1. *Minimum area.* Snow storage areas must be designated on a site plan. The areas must total a minimum of 15 percent of the area to be cleared, including all access drives, parking areas, and walkways.
 2. *Location.* Snow storage is not permitted on landscaped areas, except where these areas are limited to grass or rock cover. Snow storage may be permitted in parking areas, provided that the site can still accommodate enough parking spaces to meet minimum off-street parking requirements in winter months. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements. It is encouraged that snow storage areas be located away from public view and that additional impervious surface areas are not created for the sole purpose of snow storage.
 3. *Exceptions and adjustments.* The city may reduce or eliminate the required snow storage areas if a snow removal plan is presented which provides a continuous guarantee of removal.

Applicant Response: The site contains drainage swales throughout the subdivision and multi-family development. The swales can serve as snow storage areas during winter weather. Additionally, the open spaces on the multi-family parcel can accommodate additional snow storage if necessary.

CHAPTER 15.88. ACCESS AND CIRCULATION

Sec. 15.88.010. Purpose.

Chapter 15.88 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.

Applicant Response: This is a purpose statement and does not contain any measurable approval criteria or development standard.

Sec. 15.88.020. Applicability.

Chapter 15.88 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the city supersede city standards, chapter 15.88 applies to all connections to a street or highway, and to driveways and walkways.

Applicant Response: The applicant understands the requirements of this section and will comply.

Sec. 15.88.030. Vehicular access and circulation.

- A. *Purpose and intent.* Section 15.88.030 implements the street access guidelines of the City of La Pine Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.
- B. *Permit required.* Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.

Applicant Response: The proposal includes new roads and new roadway connections to existing facilities. The applicant understands that access points and roadways will be reviewed via this Subdivision applications, in addition to future infrastructure review.

- C. *Traffic study requirements.* The city, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to section 15.90.080, to determine compliance with this Development Code.

Applicant Response: As detailed in the submittal documents, the proposal is supported by a Traffic Impact Analysis that has been prepared by Transight Consulting LLC. The submitted report conforms to the submittal requirements of this section.

D. *Approach and driveway development standards.* Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility improvements that are designed to maximize the intended function of a particular street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement. Intersections, approaches and driveways shall conform to access spacing guidelines in the City of La Pine Transportation System Plan and the roadway authority's engineering standards. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.

Applicant Response: The proposal is supported by a TIA that has been prepared by Transight Consulting LLC. As documented in the Traffic Report, the estimated trip generation for this site includes 825 net new weekday daily trips, including 75 trips during the weekday p.m. peak hour (48 inbound, 27 outbound). Conformance with the Recommendations of the Traffic Report will ensure conformance with this standard.

1. Access points to arterials and collectors may be restricted through the use of the following techniques:
 - a. Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.
 - b. Sharing of access points between adjacent properties and developments.
 - c. Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.
 - d. Constructing frontage or marginal access roads to separate local traffic from through traffic.
 - e. Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.

Applicant Response: The proposal includes new street connections and driveways for the multi-family development. Individual site access points for the single family homes are not proposed at this time and will be reviewed with Building Permit permits. As designed, the lot layout ensures that each lot can be provided with access that conforms to the requirements of this section.

2. Consideration of the following traffic and facility improvements for access management:
 - a. Providing of acceleration, deceleration and right-turn-only lanes.
 - b. Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.
 - c. Installation of median barriers to control conflicts associated with left turn movements.
 - d. Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.

Applicant Response: The recommendations of the Traffic Report indicate:

- City streetscape sections should conform to adopted City standards as identified within the Transportation System Plan and include 36-foot wide street sections to support on-street parking on both sides of the street.
- To support access to the new subdivision, Walling Lane should be repaved from its intersection with Finley Butte Road. As this exceeds the required frontage improvements and benefits the adjacent neighbors and public access to the park these costs should be fully SDC creditable.
- Pavement sealing should be provided along Wheeler Road through the existing subdivision to prevent further damage to the pavement.
- Accessible crossings should be provided at all intersections within the subdivision, and all adjacent roadway stubs should be extended as identified in the proposed development plan.
- All “T” approaches within the subdivision should be stop-sign controlled to provide clear designation of roadway right-of-way.
- Fencing, utilities, landscaping, and other above-ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.
- Existing vegetation at the Finley Butte Road intersection with Wheeler Road should be trimmed to provide clear sight lines to the stop sign, sidewalks, and oncoming vehicles.
- A gated connection should be provided at the end of Apache Tears Court to maintain fire access along this portion of the site.
- The development will be required to pay transportation SDC fees to support Citywide improvements per the City’s established methodology.
- While the City of La Pine does not have adopted TIA requirements that would comply with the required “Clear and Objective” standards, for informational purposes analysis was conducted at nearby intersections. This showed that all of the intersections operate acceptably today and with the proposed subdivision at buildout. It is recommended that the City formally adopt the recommended TIA requirements into the La Pine Development Code.

E. *ODOT approval.* Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The city may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the city will work cooperatively with the applicant and ODOT to avoid unnecessary delays.

Applicant Response: The proposal does not include any new access onto an ODOT facility. Therefore, this section does not apply.

F. *Other agency approval.* Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.

Applicant Response: The proposed streets, approaches and/or future driveways do

not cross a drainage ditch, canal, railroad or other features; therefore authorization or permits from other agencies are not necessary.

- G. *Exceptions and adjustments.* The city may approve adjustments to the spacing standards of subsections above, where an existing connection to a city street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance.

Applicant Response: The proposal is consistent with Development Code requirements. No exceptions are requested.

- H. *Joint use access easement and maintenance agreement.* Where the city approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the city for its records, but the city is not responsible for maintaining the driveway or resolving any dispute between property owners.

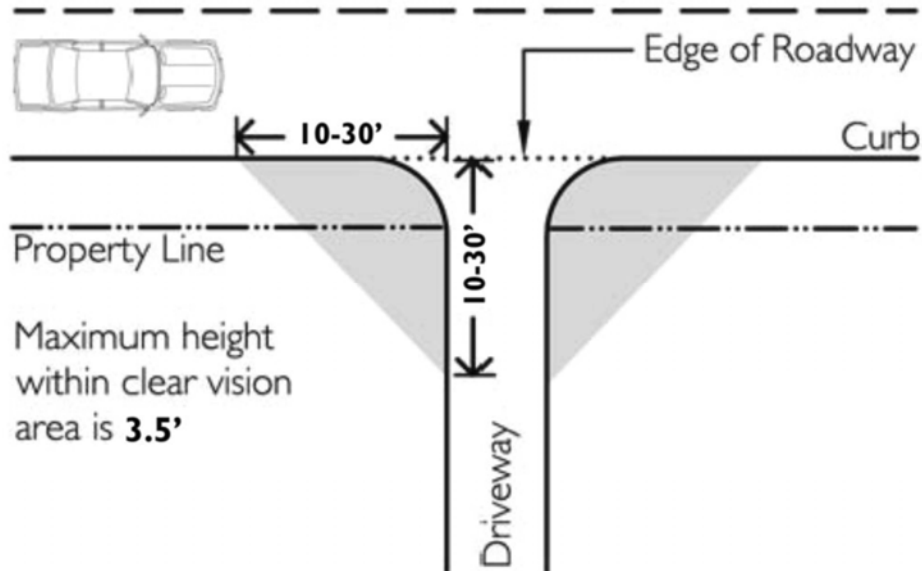
Applicant Response: The proposal includes new street connections, however individual site access points are not proposed at this time. Single-family home access points will be reviewed with Building Permit permits. In the event that shared access is proposed or required in the future, the provisions of this section would be applicable and the provisions of this section would be met.

Sec. 15.88.040. Clear vision areas (visibility at intersections).

- A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding 3½ feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.
- B. A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad (see Figure 18.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the city:
1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, ten feet.
 2. In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:

<i>Right-of-Way Width</i>	<i>Clear vision</i>
80 feet or more	20 feet
Less than 80 feet	30 feet

Clear Vision Areas



Applicant Response: The proposal includes a land division (Subdivision) in which no new structures or encroachments into clear vision areas are proposed. The proposed multi-family layout is designed with no encroachments in the clear vision areas. The design conforms to the clear vision standards of this section and future development will be required to conform to the standards of this section.

Sec. 15.88.050. Pedestrian access and circulation.

A. *Purpose and intent.* This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

Applicant Response: This is a purpose statement and does not contain any measurable approval criteria or development standard.

B. *Standards.* New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:

1. *Continuous walkway system.* A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.

Applicant Response: As documented on the Site Plan, the design includes an extensive walkway system that utilizes multiuse paths and walkway systems to connect all buildings to one another and to connect to the open spaces and surrounding rights of way. The proposed walkway system is continuous and very well connected, in conformance with this standard.

2. *Safe, direct, and convenient.* Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
 - a. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
 - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 - c. Vehicle/walkway separation. Except as required for crosswalks, per subsection d., below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
 - d. Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.
 - e. Walkway construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other city-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the city may require five-foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.
 - f. Multi-use pathways. Multi-use pathways, where approved, shall be ten feet wide and constructed of asphalt, concrete or other city-approved durable surface meeting ADA requirements consistent with the applicable city engineering standards.

Applicant Response: As documented on the Plan Set, the planned pedestrian system connects the entire area to the surrounding right of way and/or property to the north, south, east and west. Every lot is connected with one another and every building in the multi-family development is provided with connections to the open space system and right-of-way. The

walkway system generally follows the grid right of way system. Overall, the walkway system and not deviate unnecessarily from straight lines, in conformance with this section.

The walkway system is proposed to be constructed of asphalt and concrete, which is a durable surface that can meet ADA requirements. The proposed materials conform to this standard.

CHAPTER 15.90. PUBLIC FACILITIES

Sec. 15.90.010. Public facilities improvement.

Minor betterment, improvements, replacement or reconstruction of existing public facilities such as sewer and water lines, stormwater drainage facilities, sidewalks and other pedestrian ways or facilities, bikeways and similar public facilities within rights-of-ways and easements for the purposes existing on or before the effective date of this chapter, or on contiguous publicly-owned property designated, intended or utilized to support the facilities, or the facilities that are set forth within an adopted public facilities plan or other capital improvement plan duly adopted on or before the effective date of this ordinance, are exempt from permit requirements, unless specifically set forth otherwise.

Applicant Response: The proposal includes a significant amount of public improvements, including new streets, and improvements to existing streets, which conforms to this section.

Sec. 15.90.020. Developer responsibility for streets and other public facilities.

A. *Duties of developer.* It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.

Applicant Response: As detailed on the Tentative Plan, the applicant proposes to extend water and sewer mains throughout the development, along with new streets, walkways, electrical service, telephone lines and cable services. Furthermore, with the subdivision, the applicant will install service laterals to serve each of the new lots. As designed, the proposal conforms to the standards of this section.

B. *Over-sizing.* The city may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, and the city may authorize other cost-recovery or cost sharing methods as provided under state law.

Applicant Response: As directed by City Staff, the proposal provides 8-inch water and sewer mains throughout the development site. The water and sewer main sizes are City Standard size, and are sufficient to serve the development (and accommodate other/further development in the area). Over-sizing, as detailed in this section is not necessary.

C. *Inadequate existing streets.* Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required.

Applicant Response: As documented on the Plan Set, in addition to new streets that are sized in conformance with City Standards, the proposal includes widening and repaving of Walling Lane along the project frontage. Additional widening of Walling Lane can be completed with this project up to the intersection with Finley Butte Road in exchange for SDC credits. The project also proposes to seal the pavement along Wheeler Road through the existing subdivision to prevent further damage to the pavement. As designed, the proposal conforms to this standard.

D. *Half streets.* Half streets, while generally not acceptable, may be approved where essential to the reasonable development of a proposed land development, and when the city finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.

Applicant Response: No half streets are proposed. If half streets are needed, the applicant understands that they could consider this option.

Sec. 15.90.030. Sewer and water.

- A. *Sewer and water plan approval.* Development permits for sewer and water improvements shall not be issued until the public works director has approved all sanitary sewer and water plans in conformance with city standards.
- B. *Inadequate facilities.* Development permits may be restricted or rationed by the city where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The city may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.

Applicant Response: Water and sewer mains are proposed throughout the development. Based upon pre-submittal correspondence, the applicant has been informed that there is adequate capacity to accommodate the proposed land division. This standard will be reviewed through the review of this application by City Engineering and Public Works Staff. It is not anticipated that development permits will be restricted or rationed due to water or sewer capacity.

Sec. 15.90.040. Stormwater.

- A. *Accommodation of upstream drainage.* Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream

drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer.

- B. *Effect on downstream drainage.* Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.

Applicant Response: The new impervious areas that are proposed include public streets and walkways and the parking lot for the multi-family development. As shown on the cross sections, which are included on the submitted Plan Set, the street and walkway designs conform to City Standards and include infiltration swales. The multi-family development includes a combination of drainage swales and shallow drywells.

The street and walkway designs, including the stormwater management therein, will accommodate all existing and future run-off and will be reviewed by the City Engineer prior to construction. As designed the proposal conforms to these standards.

Sec. 15.90.050. Utilities.

- A. *General provision.* The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.
- B. *Underground utilities.* All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

Applicant Response: The applicant has coordinated with all utility providers and has confirmation that they can serve the new lots. All new utilities are planned to be extended underground, in conformance with these standards.

- C. *Subdivisions.* In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:
1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.
 2. The city reserves the right to approve the location of all surface-mounted facilities.
 3. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

Applicant Response: The applicant has coordinated with utility providers and plans to extend services underground. The applicant understands that the City reserves the right to approve the location of any surface mounted facilities.

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- D. *Exception to undergrounding requirement.* The city may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.

Applicant Response: The proposal does not include an exception to providing new utilities underground; therefore this standard does not apply.

Sec. 15.90.060. Public street/highway improvement.

The following public streets and highway improvement activities are permitted outright in all zones and are exempt from the permit requirements of this Development Code.

Applicant Response: While the proposal does include street improvements, the improvements are proposed as part of a subdivision application. Therefore, the exemptions provided in this section are not applicable.

Sec. 15.90.070. Design of streets and other public facilities.

- A. *Traffic circulation system.* The overall street system shall ensure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic circulation system within the land division, and as such system and traffic generated therefrom affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.

Applicant Response: The submittal packet is supported by a Traffic Impact Analysis that has been prepared by Transight Consulting, LLC. The Traffic Report considered traffic generated from the entire development and found that the proposal, with planned improvements, can conform to City Standards, if suggested recommendations are met. The location, width and grade of the streets are consistent with the development code and in proper relationship with the surrounding properties and developed rights of way. The proposed design ensures added convenience and safety to the surrounding properties and the community at-large. The proposal including planned improvements will ensure conformance with this standard.

- B. *Street location and pattern.* The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:
1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 2. Conform to a plan for the general area of the development approved by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and
 3. Conform to the adopted La Pine Transportation System Plan as may be amended.

Applicant Response: As documented on the Site Plan, the proposed street configuration carries out the intent of the development code. The design extends Wheeler Road as a north/south Collector, Little Crater Drive, Neil Lane and Harold Avenue as primary east/west local streets and pedestrian routes that connect to the collectors. The design conforms to the La Pine Transportation System Plan and the topography that exists on the site. As designed, the proposal conforms to these standards.

- C. *Access ways.* The city, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than ten feet wide and shall contain a minimum six-foot-wide paved surface or other all-weather surface approved by the city. Access ways shall be contained within a public right-of-way or public access easement, as required by the city.

Applicant Response: There are no cul-de-sacs or dead end streets proposed. This criteria does not apply.

- D. *Future street extensions.* Where necessary to give access to or permit future subdivision or development of adjoining land, streets shall be extended to the boundary of the proposed development or subdivision. Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is not binding, but is intended to show potential future street extensions with future development. The plan must demonstrate, pursuant to city standards, that the proposed development does not preclude future street connections to adjacent development land. Wherever appropriate, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, as the city deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

Applicant Response: As documented on the Site Plan, the proposed street configuration carries out the intent of the development code. As designed the proposal extends streets throughout the site as required by this section.

- E. *Minimum right-of-way and roadway widths.* Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths in feet set forth in the La Pine Transportation System Plan, and shall be constructed in conformance with applicable standards and specifications set forth by the city.

Applicant Response: Walling Lane is proposed as a 32 foot wide right-of-way dedication, half of a 64 foot wide right-of-way dedication, in accordance with the City of La Pine TSP. Wheeler road is proposed as a 60 foot right-of-way to match the adjoining right-of-way width of Wheeler Road, previously established as a 60 foot wide right-of-way. Little Crater Drive is proposed as a half street along the boundary of tax lot 221014DB00300, however the half street right-of-way has been expanded to 50 feet, rather than 32 feet, to accommodate full width pavement improvements, since no adjoining right of way dedication has yet been made on tax lot

221014DB00300. In order to preserve lot depths affected by the oversized 50 foot half street dedication on Little Crater Drive, both Neil Lane and Harold Avenue are proposed as 60 foot right of ways, rather than 64 feet. The total right-of-way widths of these three east-west streets (Little Crater, Neil, Harold) is then 170 feet, which exceeds the total cumulative TSP specified right-of-way width of 160 feet.

- F. *Sidewalks.* Unless otherwise required in this chapter or other city ordinances or other regulations, or as otherwise approved by the commission, sidewalks shall be required as specified in the La Pine Transportation System Plan. In lieu of these requirements, however, the city may approve a development without sidewalks if alternative pedestrian routes and facilities are provided.

Applicant Response: As documented on the Site Plan, sidewalks are proposed along all streets and throughout the multi-family development, which is consistent with the City of La Pine TSP requirements. As designed, the proposal conforms to this standard.

- G. *Bike lanes.* Unless otherwise required in this chapter or other city ordinances or other regulations, bike lanes shall be required as specified in the La Pine Transportation System Plan, except that the planning commission may approve a development without bike lanes if it is found that the requirement is not appropriate to or necessary for the extension of bicycle routes, existing or planned, and may also approve a development without bike lanes in the streets if alternative bicycle routes and facilities are provided.

Applicant Response: The City of La Pine TSP does not require bicycle lanes on local streets. As designed, the proposal conforms to this standard.

- H. *Cul-de-sac.* A cul-de-sac street shall only be used where the city determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable city requirements preclude a street extension. Where the city determines that a cul-de-sac is allowed, all of the following standards shall be met:
1. The cul-de-sac shall not exceed a length of 400 feet, except where the city through a Type II procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
 2. A cul-de-sac shall terminate with a circular turn around with a minimum radius of 45 feet of paved driving surface and a 50 foot right-of-way and meeting the Uniform Fire Code.
 3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.

Applicant Response: This proposal does not contain any cul-de-sacs; therefore this section does not apply.

- I. *Marginal access streets.* Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen-plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of

residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.

Applicant Response: The project site does not abut or contain an existing or proposed arterial street. This section does not apply.

J. *Streets adjacent to railroad right-of-way.* Whenever a proposed land development contains or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to the ROW at a distance suitable for the appropriate use of land between the street and the ROW. The distance shall be determined with consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting or other separation requirements along the ROW.

Applicant Response: The project site does not abut or contain or abut a railroad right-of-way. This section does not apply.

K. *Reserve strips.* Reserve strips or street plugs controlling access to streets will not be approved unless deemed necessary for the protection of public safety and welfare and may be used in the case of a dead-end street planned for future extension, and in the case of a half street planned for future development as a standard, full street.

Applicant Response: No reserve strips are requested or proposed with this application. This section does not apply.

L. *Alignment.* All streets, as far as practicable, shall be in alignment with existing streets by continuations of the center lines thereof. Necessary staggered street alignment resulting in intersections shall, wherever possible, leave a minimum distance of 200 feet between the center lines of streets of approximately the same direction, and in no case shall the off-set be less than 100 feet.

Applicant Response: As documented on the Plan Set, all new streets that intersect with the existing street grid include extensions that align with the centerlines of the existing streets. As designed, the proposal conforms to this standard.

M. *Intersection angles.* Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the city engineer or other duly designated city representative as applicable. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.

Applicant Response: As shown on the Plan Set, the design overlays a street configuration and establishes the most direct and convenient street grid possible. Curves and bulbs are used so that intersections can align with the existing streets and new streets at 90 degrees, or as close to 90 degrees as possible. As designed, the proposal conforms to this standard.

N. *Curves.* Centerline radii of curves should not be less than 500 feet on major arterials, 300 feet on minor arterials, 200 feet on collectors or 100 feet on other streets and shall be on an even ten feet. Where existing conditions, particularly topography, make it otherwise

impractical to provide building sites, the city may accept steeper grades and sharper curves than provided for herein in this subsection.

Applicant Response: As noted above, the design utilizes bulbs and curves, so that intersections at 90 degrees (or close to 90 degrees) can be achieved. As shown on the Plan Set, the curves in the streets conform to the design thresholds established in this standard.

- O. *Street grades.* Street grades shall not exceed eight percent on arterials, ten percent on collectors and 12 percent on all other streets including private driveways entering upon a public street or highway; however, for streets at intersections, and for driveways entering upon a public street or highway, there should be a distance of three or more car lengths (approximately 50 feet) where the grade should not exceed six percent to provide for proper stopping distance during inclement weather conditions.

Applicant Response: The site is relatively flat and the street designs conform to the grade standards of this section. Street grades will be further reviewed with infrastructure review.

- P. *Street names.* Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance. Such street names shall be approved by the Deschutes County street name coordinator.

Applicant Response: The proposal includes new streets and extensions of existing streets. Street Names have been reviewed and approved by the Deschutes County Street Name Coordinator and documentation has been included with this application.

- Q. *Street name signs.* Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.

Applicant Response: The applicant understands that it will be their responsibility to install street name signs. The applicant plans to install street name signs prior to final plat.

- R. *Traffic control signs.* Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.

Applicant Response: The applicant understands that it will be their responsibility to provide and install any required traffic control signs and plans to do so as needed.

- S. *Alleys.* Alleys are not necessary in residential developments, but may be required in commercial and industrial developments unless other permanent provisions for access to off-street parking and loading facilities are approved by the city.

Applicant Response: No alleys are proposed with this development. This standard does not apply.

- T. *Curbs.* Curbs shall be required on all streets in all developments, and shall be installed by the developer in accordance with standards set forth by the city unless otherwise approved by the city. Approval of streets without curbs shall be at the discretion of the city engineer, and shall be so determined during the tentative plan land division review process on the basis of special circumstances to the development.

Applicant Response: The streets are proposed with a similar design to other developments in the area. As documented on the Street Cross Sections, the street designs do not include curbs, but rather asphalt, abutted by an infiltration swale and walkways. This section allows the design without curbs to be approved by the City Engineer.

- U. *Street lights.* Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Streets lights, if required, shall include one fixture and be located at the intersection of streets.

Applicant Response: If required, the applicant will install streetlights as specified in this section.

- V. *Utilities.* The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.

Applicant Response: The applicant has coordinated with all utility providers and has confirmation that they can serve the new lots. All new utilities are planned to be extended underground, in conformance with these standards.

- W. *Drainage facilities.* Drainage facilities shall be provided as required by the city in accordance with all applicable city and Oregon Department of Environmental Quality standards.

Applicant Response: The new impervious areas that are proposed include public streets and walkways and the parking lot for the multi-family development. As shown on the cross sections, which are included on the submitted Plan Set, the street and walkway designs conform to City Standards and include infiltration swales. The multi-family development includes a combination of drainage swales and shallow drywells.

- X. *Gates.* Except where approved as part of a master planned development, private streets and gated drives serving more than two dwellings (i.e., where a gate limits access to a development from a public street), are prohibited.

Applicant Response: No gates are proposed. This section does not apply.

Sec. 15.90.080. Traffic impact analysis.

- A. *Purpose.* The purpose of this subsection is [to] coordinate the review of land use applications with roadway authorities and to implement section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted with

a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a traffic impact analysis; and who is qualified to prepare the analysis.

- B. *When a traffic impact analysis is required.* The city or other road authority with jurisdiction may require a traffic impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
1. A change in zoning or a plan amendment designation;
 2. Operational or safety concerns documented in writing by a road authority;
 3. An increase in site traffic volume generation by [300] average daily trips (ADT) or more;
 4. An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;
 5. An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by ten vehicles or more per day;
 6. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
 7. A change in internal traffic patterns that may cause safety concerns; or
 8. A TIA required by ODOT pursuant to OAR 734-051.

Applicant Response: The proposal results in more than 300 new ADT and therefore requires a TIA. The submittal packet is supported by a Traffic Impact Analysis that has been prepared by Transight Consulting, LLC. The Traffic Report considered traffic generated from the entire development and found that the proposal, with planned improvements, can conform to City Standards, if suggested recommendations are met.

- C. *Traffic impact analysis preparation.* A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the traffic impact analysis.

Applicant Response: The submittal packet is supported by a Traffic Impact Analysis that has been prepared by Joe Bessman of Transight Consulting, LLC. Joe Bessman is a professional engineer registered by the State of Oregon, as depicted by the stamp on the report. The proposal complies with this requirement.

- D. *Waiver or deferral.* The city may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in [subsections] 1 through 4 is met. Where the city agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future:
1. The standard improvement conflicts with an adopted capital improvement plan.
 2. The standard improvement would create a safety hazard.

3. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.
4. The improvement under consideration is part of an approved partition in the [RL or RM] and the proposed partition does not create any new street.

Applicant Response: Waiver or deferment is not proposed. These provisions do not apply.

CHAPTER 15.92. ADDITIONAL STANDARDS FOR LAND DIVISIONS

Sec. 15.92.010. Lots and blocks.

- A. *Blocks.* The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.
1. No block shall be more than 660 feet in length between street corner lines with a maximum 1,400-foot perimeter unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.
 2. The recommended minimum length of a block along an arterial street is 1,260 feet.
 3. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.

Applicant Response: As documented on the Plan Set, the proposal provides a complete neighborhood with complete blocks. No new block is greater than 660 feet in length of 1,400 feet in perimeter and the blocks provide to 2 tiers of lots. As designed, the proposal complies with these standards.

- B. *Lots.* The resulting or proposed size, width shape and orientation of building lots shall be appropriate for the type of development, and consistent with the applicable zoning and topographical conditions, specifically as lot sizes are so designated for each zoning district in the City of La Pine Development Code.

Applicant Response: A comprehensive review of the RSF Lot size requirements were addressed above. As detailed in those sections, the proposal complies with the applicable lot size, width, shape and orientation provisions; therefore the proposal complies with this standard.

- C. *Access.* Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise provided for in this Development Code (e.g., for townhomes). For lots fronting on a curvilinear street or cul-de-sac, the city may approve a reduced width, but in no case shall a width of less than 35 feet be approved.

Applicant Response: The subject property in the RSF Zone and, as documented on the Plan Set, all residential lots meet or exceed the minimum lot width. As designed, the proposal complies with this standard.

- D. *Side lot lines.* The side lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they front; except that on curved streets they shall be radial to the curve.

Applicant Response: As documented on the Subdivision Plan, all of the side residential lot lines are oriented at (or near) right angles and site lot lines that intersect curved streets (or bulbs) are radial to the curve (or bulb). As designed, the lot layout and side property lines conform to this standard.

- E. *Division by boundary, ROW and drainage ways.* No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services, except as approved otherwise.

Applicant Response: As shown on the Tentative Plan, the lots are not divided by right-of-way, drainage ways, a boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services; therefore the proposal complies with this standard.

- F. *Grading, cutting and filling of building lots or sites.* Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby:

1. Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.
2. Cut slopes shall not exceed one foot vertically to 1½ feet horizontally.
3. Fill slopes shall not exceed one foot vertically to two feet horizontally.
4. Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.
 - a. The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.
 - b. The planning commission shall hold a public hearing on the matter in conformance with the requirements for a conditional use permit, however, such may be included within the initial hearing process on the proposed development.
 - c. The planning commission's decision on the proposal shall be based on the following considerations:
 - (1) That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.
 - (2) That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.

- (3) That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.
- (4) That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.

Applicant Response: The proposal includes grading and fill only for the planned streets and public improvements. In the future, if grading or fill is proposed for any lots, a Grading Plan will be prepared by a qualified professional and submittal in accordance with the standards of this section.

G. *Through or double-frontage lots and parcels.* Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential development and to avoid direct vehicular access from major traffic arterials or collectors, and from adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. When through or double-frontage lots or parcels are desirable or deemed necessary, a planting screen easement of at least four to six feet in width, and across which there shall be no right of vehicular access, may be required along the line of building sites abutting such a traffic way or other incompatible uses.

Applicant Response: No double frontage lots are proposed with this development. This standard does not apply.

H. *Special building setback lines.* If special building setback lines, in addition to those required by the applicable zoning, are to be established in a development, they shall be shown on the final plat of the development and included in the deed restrictions.

Applicant Response: No additional setbacks apply to the property; therefore this standard does not apply.

I. *Large building lots; redivision.* In the case where lots or parcels are of a size and shape that future redivision is likely or possible, the city may require that the blocks be of a size and shape so that they may be redivided into building sites as intended by the underlying zone. The development approval and site restrictions may require provisions for the extension and opening of streets at intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.

Applicant Response: As documented on the Site Plan, Lot 44 is proposed to be developed per the submitted Site Plan application for multi-family apartment buildings. The proposed lot is 4.13 acres in size and allows for all necessary amenities associated with the proposed development. As proposed, this criteria has been met.

Sec. 15.92.020. Easements.

A. *Utility lines.* Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than ten feet wide and centered on a rear and/or side lot line unless approved otherwise by the city. Utility pole tie-back easements may be reduced to five feet in width.

Applicant Response: If required by a serving entity, the applicant will provide utility easements, as referenced by this section.

- B. *Water courses.* If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as deemed necessary.

Applicant Response: The property is not traversed by a water course; therefore an easement for the purposes identified in this section is not applicable.

- C. *Pedestrian and bicycle ways.* When desirable for public convenience, a pedestrian and/or bicycle way of not less than ten feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum five-foot wide paved or other suitable surface will be required.

Applicant Response: While no cul-de-sacs are proposed, the design provides a very well connected area. The design includes, regularly spaced streets and sidewalks, in addition to extra wide sidewalks in the multi-family development and is consistent with the requirements of this standard.

- D. *Sewer and water lines.* Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the city public works department and/or water and sewer district.

Applicant Response: Water and sewer mains are proposed within the existing and new rights of way. Additional easements (for crossing private property) are not anticipated. However if, through design, it is determined that easements are necessary, the applicant understands that the provisions of this section would apply.

Sec. 15.92.030. Land for public purposes.

- A. If the city has an interest in acquiring a portion of a proposed development for a public purpose, it shall notify the property owner as soon as the city council authorizes the transaction to proceed.
- B. Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than five percent of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined to be suitable for the park and/or recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.
- C. In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.
- D. If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable

systems development charge, then the land and development or money dedication shall not be required.

- E. If the nature and design, or approval, of a development is such that over 30 percent of the tract of land to be developed is dedicated to public uses such as streets, water or sewer system facilities and the like, then the requirements of this subsection shall be reduced so that the total obligation of the developer to the public does not exceed 30 percent.

Applicant Response: The applicant is not aware of any need for public land in this development and does not anticipate that the provisions of this section will be necessary.

CHAPTER 15.94. IMPROVEMENT PROCEDURES AND GUARANTEES

Sec. 15.94.010. Improvement procedures.

Improvements to be installed by the developer, either as a requirement of this chapter, conditions of approval or at the developer's option as proposed as a part of the subject development proposal, shall conform to the following requirements:

- A. *Plan review and approval.* Improvement work shall not be commenced until plans therefor have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.
- B. *Modification.* Improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.
- C. *Improvements as platted.* Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the city.
- D. *Inspection.* Improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.
- E. *Utilities.* Underground utilities, including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets, shall be constructed by the developer prior to the surfacing of the streets.
- F. *As built plans.* As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the city upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.

Applicant Response: The proposal will result in new water and sewer service mains and laterals. The applicant will follow the provisions of this section to the extent necessary and applicable.

Sec. 15.94.020. Completion or assurance of improvements.

- A. *Agreement for improvements.* Prior to final plat approval for a subdivision, partition, PUD or other land development, or the final approval of a land use or development pursuant to applicable zoning provisions, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and, providing that if the work is not completed within the period specified, that the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.
- B. *Bond or other performance assurance.* The developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:
1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.
 2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
 3. Cash deposit.
 4. Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.
- C. *Amount of security required.* The assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.
- D. *Default status.* If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.

Applicant Response: The proposal includes the extension of water and sewer mains and laterals. The applicant plans to install the infrastructure prior to platting and plans to comply with the provisions of this section.

Sec. 15.94.030. Building and occupancy permits.

- A. *Building permits.* No building permits shall be issued upon lots to receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the city, with the service connections fees paid, and accepted by the city.
- B. *Sale or occupancy.* All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the city, and accepted by the city council, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision, partitioning, PUD or other development.

Applicant Response: The proposal includes a land division and site plan application. All buildings permits will be submitted at a later date, after land use approval; therefore the provisions of this section do not apply.

Sec. 15.94.040. Maintenance surety bond.

Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the city will require a one-year maintenance surety bond in an amount not to exceed 20 percent of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

Applicant Response: The proposal includes the extension of water and sewer mains and laterals. The applicant plans to install the infrastructure prior to platting. The applicant will provide a surety bond or special review as needed.

Sec. 15.104.040. - Multi-family development.

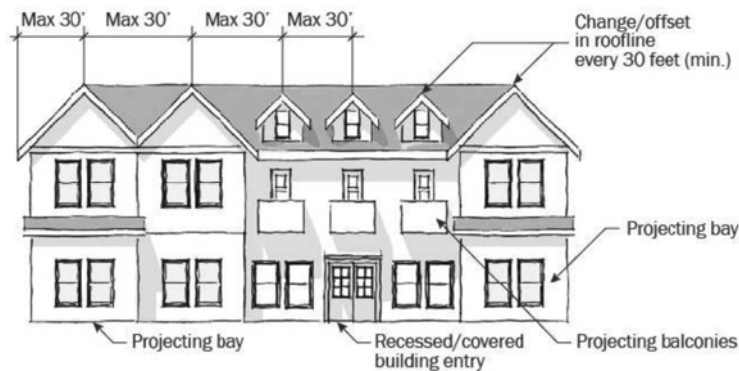
A. *Applicability.* New multi-family developments, where allowed, are subject to review and approval through a Type II procedure, pursuant to [chapter 15.312](#), site plan review, and shall conform to all of the following standards. Multiple detached single-unit dwellings or duplexes located on the same lot are classified as cottage cluster developments and subject to [section 15.104.050](#).

B. *Standards for multi-family structures.*

1. *Articulation.* Plans for multi-family structures shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations (see Figure 15.104-1). Such elements shall occur at a minimum interval of 30 feet, and each floor shall contain at least two elements from the following options

- a. Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of four feet;
- b. Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; or
- c. Offsets or breaks in roof elevation of two feet or greater in height.

Multi-Family Articulation Standard



Applicant Response: The buildings proposed all have recesses and projections in both the front and rear elevation views. The Type E, Type F, and Type G buildings have horizontal offsets in the roof line of more than 20 feet along with breaks in the roof elevations.

The Type C/D buildings have many recesses and projections along both the front and rear elevations. There are also off-sets and changes in the roof line in several areas.

2. *Detailed design.* All structures shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least two of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- a. Covered front porch: not less than six feet in depth and not less than 30 percent of the width of dwelling, excluding the landing for dwelling entrance.
- b. Dormers: must be a functional part of the structure, for example, providing light into a living space.
- c. Recessed entrance: not less than three feet deep.
- d. Windows: not less than 30 percent of surface area of all street-facing elevation(s).
- e. Window trim: minimum four-inch width (all elevations).
- f. Eaves: overhang of not less than 12 inches.

- g. Offset: offset in facade or roof (see subsection 1, "Articulation").
- h. Bay window: projects from front elevation by 12 inches.
- i. Balcony: one per dwelling unit facing street.
- j. Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof.
- k. Other: feature not listed but providing visual relief or contextually appropriate design similar to [subsections] a—j, as approved by the planning official through a Type II procedure.

Applicant Response: All of the buildings proposed for this project include the following elements:

- Recessed Entrances
- Window Trim that is a minimum of 4 inches
- Eaves that overhang more than 12 inches
- Balconies for each unit.

As such, the building proposed meet or exceed the requirements set out in this section for Detailed Design.

3. *Common open space and landscaping.* A minimum of 15 percent of the site area in residential zones shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:

- a. "Site area," for the purposes of this section, is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.
- b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.
- c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet.
- d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the city may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.

Applicant Response: As documented on the Site and Landscape Plans, the multi-family development includes 36.5% landscape coverage. See Section 15.82.010 for more details. The common areas include a fully fenced dog park, play structure and picnic area with pergola for sun and shade protection. All of the active open space areas exceed the minimum dimension of 20 feet. As proposed, the development meets that requirements of this section.

4. *Private open space.* Private open space areas shall be required for dwelling units based on the following criteria:

a. A minimum of 40 percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least 48 square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).

b. A minimum of 40 percent of all upper-floor housing units shall have balconies or porches containing at least 48 square feet of usable area. Upper-floor housing means housing units that are more than five feet above the finished grade.

Applicant Response: The buildings proposed have noted ground floor patios that have a minimum area of 96 square feet. The buildings proposed have noted upper deck areas of a minimum of 54 square feet. As noted, the proposed buildings meet or exceed the requirements set out for Private Open Space.

5. *Landscaping, fences, parking and loading, public facilities.* The standards of [article 5](#) shall be met.

6. *Trash storage.* Trash receptacles, recycling, and storage facilities shall be oriented away from building entrances, setback at least ten feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.

Applicant Response: There are two proposed trash enclosures and both are setback more than ten feet from any right-of-way or residence. The trash enclosures are accessible for garbage trucks and screened appropriately per this code. This standard has been met.

VI. Conformance with Article 9 – Land Divisions Criteria:

CHAPTER 15.402. GENERAL PROVISIONS

Sec. 15.402.010. Purpose.

It is the purpose of this article 9, in accordance with the provisions of ORS 92 and 227, to provide for minimum standards governing the approval of land divisions, including subdivisions and land partitions, as necessary to carry out the needs and policies for adequate traffic movement, water supply, sewage disposal, drainage and other community facilities, to improve land records and boundary monumentation and to ensure equitable processing of subdivision, partitioning and other land division activities within the city and the surrounding urban area.

Applicant Response: This section establishes the purpose of these Approval Criteria. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose is implemented.

Sec. 15.402.020. Applicability.

No person may subdivide, partition or otherwise divide land, or create a planned unit or cluster development, or create a street for the purpose of developing land except in accordance with the provisions of this article 9, this chapter and ORS 92.012 and 227.100.

State law reference(s)—Requirements for subdivision of land, ORS 92.010—92.192; submission of plats and plans, ORS 227.100 et seq.

Applicant Response: The proposal includes a Subdivision; therefore compliance with Article 9 is necessary.

CHAPTER 15.406. SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUD)

Sec. 15.406.010. Subdivision applications.

A. *Application.* Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the city. The application shall be accompanied with either an outline development plan as provided for in division [subsection] B of this section, or a tentative plan as set forth in division [subsection] C of this section, together with improvement plans and other supplementary material as may be required, and the materials required for the applicable review type as specified in article 7. The number of copies required shall be as specified on the application form. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.

Applicant Response: The application includes an Application Form, a Tentative Plan, Site Plan, improvements plans and substantial supplementary evidence. The submittal materials conform to these requirements.

B. *Outline development plan.* The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth below.

1. The maps which are part of an outline development plan may be in schematic form, but shall be to scale and shall contain the following information:
 - a. The existing topographic character of the land.
 - b. Existing and proposed land uses, and the approximate location of buildings and other structures on the project site and adjoining lands, existing and proposed.
 - c. The character and approximate density of the proposed development.
 - d. Public uses including schools, parks, playgrounds and other public spaces or facilities proposed.
 - e. Common open spaces and recreation facilities and a description of the proposed uses thereof.
 - f. Landscaping, irrigation and drainage plans.

-
- g. Road, street and other transportation facility schematic plans and proposals.

Applicant Response: As detailed in the submittal items, the application includes all of the items noted in this section that are necessary to review conformance with the applicable development standards and approval criteria.

- 2. Written statements which shall be part of the outline development plan submittal shall contain the following information:
 - a. A statement and description of all proposed on-site and off-site improvements.
 - b. A general schedule of development and improvements.
 - c. A statement setting forth proposed types of housing and other uses to be accommodated, and a projection of traffic generation and population.
 - d. A statement relative to the impact on the carrying capacities of public facilities and services, including water and sewer systems, schools, serving utilities, streets and the like.
 - e. A statement relative to compatibility with adjoining land uses, present and future, environmental protection and/or preservation measures and impacts on natural resource-carrying capacities of the site and surrounding/adjacent areas.

Applicant Response: As detailed in the submittal items, the application includes all of the items noted in this section that are necessary to review conformance with the applicable development standards and approval criteria.

- 3. Approval of an outline development plan for a subdivision shall constitute only a conceptual approval of the proposed development for general compliance with the city's urban area comprehensive plan, applicable zoning and this chapter.
- 4. Review and action on an outline development plan shall follow the requirements for review of Type III land use action procedures, hearings and decisions in article 7 as may be applicable.

Applicant Response: These sections establish procedural requirements. The applicant anticipates that the procedures of these sections will be followed.

- C. *Tentative plan required.* Following or in conjunction with submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application, any person proposing a subdivision shall submit a tentative plan together with the accompanying information and supplemental data, prepared and submitted in accordance with the provisions of this section and materials required for a Type III review as specified in article 7. (ORS 92.040). Note: Applicants should review the design standards set forth in article 5 prior to preparing a tentative plan for a development.

Applicant Response: The submittal packet includes a Tentative Plan and therefore the proposal conforms to this submittal requirement.

1. *Scale of tentative plan.* The tentative plan of a proposed subdivision shall be drawn on a sheet 18 [inches] by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the planning official. (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper measuring 8½ inches by 11 inches or 11 inches by 17 inches shall be provided for public notice requirements.

Applicant Response: The Plan Set includes a series of documents that are drawn on at least 18 by 24 inch size and at a scale of 1"=100' or smaller. Reduced size plan sets are also provided. If requested by the City, the applicant will revise the Plan Set of Scale.

2. *Information requirements.* The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered complete unless all such information is provided, unless approved otherwise by the planning official.
 - a. *General information required.*
 - (1) Proposed name of the subdivision.
 - (2) Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, and surveyor and any assumed business names filed or to be filed by the owner or subdivider in connection with the development.
 - (3) Date of preparation, north point, scale and gross area of the development.
 - (4) Identification of the drawing as a tentative plan for a subdivision.
 - (5) Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.
 - b. *Information concerning existing conditions.*
 - (1) Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed development.
 - (2) Location of any existing features such as section lines, section corners, city and special district boundaries and survey monuments.
 - (3) Location of existing structures, fences, irrigation canals and ditches, pipelines, waterways, railroads and natural features, such as rock outcroppings, marshes, wetlands, geological features and natural hazards.
 - (4) Location and direction of water courses, and the location of areas subject to erosion, high water tables, and stormwater runoff and flooding.
 - (5) Location, width and use or purpose of any existing easements or rights-of-way within and adjacent to the proposed development.
 - (6) Existing and proposed sewer lines, water mains, culverts and underground or overhead utilities within and adjacent to the proposed development, together with pipe sizes, grades and locations.
 - (7) Contour lines related to some established benchmark or other acceptable datum and having minimum intervals of not more than 20 feet.
 - c. *Information concerning proposed subdivision.*

- (1) Location, names, width, typical improvements, cross-sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.
- (2) Location, width and purpose of all proposed easements or rights-of-way, and the relationship to all existing easements or rights-of-way.
- (3) Location of at least one temporary benchmark within the proposed subdivision boundary.
- (4) Location, approximate area and dimensions of each lot and proposed lot and block numbers.
- (5) Location, approximate area and dimensions of any lot or area proposed for public, community or common use, including park or other recreation areas, and the use proposed and plans for improvements or development thereof.
- (6) Proposed use, location, area and dimensions of any lot which is intended for nonresidential use and the use designated thereof.
- (7) An outline of the area proposed for partial recording on a final plat if phased development and recording is contemplated or proposed.
- (8) Source, method and preliminary plans for domestic water supply, sewage disposal, solid waste collection and disposal and all utilities.
- (9) Stormwater and other drainage plans.

Applicant Response: The submittal packet includes complete Site Plan and Subdivision documents. Collectively the submittal items provide all items listed in these sections, which are necessary to provide conformance with applicable development standards and approval criteria.

D. *Master development plan required.* An overall master development plan shall be submitted for all developments planning to utilize phase or unit development. The plan shall include, but not be limited to, the following elements:

1. Overall development plan, including phase or unit sequences and the planned development schedule thereof.
2. Schedule of improvements initiation and completion.
3. Sales program timetable projection.
4. Development plans of any common elements or facilities.
5. Financing plan for all improvements.

Applicant Response: The proposed project is not proposed to be phased; therefore this section does not apply.

E. *Supplemental information required.* The following supplemental information shall be submitted with the tentative plan for a subdivision:

1. Proposed deed restrictions or protective covenants, if such are proposed to be utilized for the proposed development.
2. Reasons and justifications for any variances or exceptions proposed or requested to the provisions of this subchapter [section], the applicable zoning regulations or any other applicable local, state or federal ordinance, rule or regulation.

Applicant Response: The proposed project does not necessitate any variances or exceptions. Draft CC&Rs will be provided prior to final platting of the development.

F. *Tentative plan review procedures.*

1. Tentative plan review shall follow the Type III review procedures in article 7.
2. The decision on a tentative plat shall be set forth in a written decision, and in the case of approval shall be noted on not less than two copies of the tentative plan, including references to any attached documents setting forth specific conditions.

G. *Tentative approval relative to final plan.* Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision for recording. However, approval of the tentative plan shall be binding upon the city for preparation of the final plat and the city may require only such changes as are deemed necessary for compliance with the terms of its approval of the tentative plan.

H. *Resubmission of denied tentative plan.* Resubmittal shall be considered a new filing, but shall require the applicant to consider all items for which the prior denial was based, in addition to the other filing requirements set forth by this chapter.

Applicant Response: The applicant anticipates that the City will follow the procedures of these sections in the review of this application.

- I. *Requirements for approval.* An outline development plan or a tentative plan for a subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth by this chapter and other applicable City of La Pine ordinances, standards and regulations, that the following requirements have been met:
1. The proposed development is consistent with applicable density and development standards set forth of the applicable zone in article 3. All lots conform to the applicable lot standards of the zoning district, including density, lot area, dimensions, setbacks, and coverage.
 2. The proposal is in compliance with any applicable overlay zone regulations in article 4.

Applicant Response: A comprehensive review of Articles 3 and 4 was included above. As detailed in those sections, the density of 7 units per acre is consistent with the RSF Zone. Furthermore, as detailed above, the design conforms to all lot standards of the applicable zone. As detailed throughout this narrative, the proposal conforms to these approval criteria.

3. The proposal is in compliance with the design and improvement standards and requirements set forth in article 5, or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.

Applicant Response: A comprehensive review of Article 5 was included above. As detailed in that section, all applicable design and improvement standards are met by the proposed development, with planned improvements. As detailed throughout this narrative, the proposal conforms to this approval criterion

4. The applicant has demonstrated that adequate public facilities are available or can be made available at the time of development, and, if necessary, that the developer has

proposed adequate and equitable improvements and expansions to the facilities to bring the facilities and services up to an acceptable capacity level.

Applicant Response: As detailed throughout this narrative, the proposal includes water, sewer, and transportation improvements that are consistent with City of La Pine long term public facility plans. The applicant has studied water and sewer capacity and found that, with the planned improvements, that these systems can serve the proposed development. Regarding transportation, the Traffic Engineer determined that the estimated trip generation for this site includes 825 net new weekday daily trips, including 75 trips during the weekday p.m. peak hour (48 inbound, 27 outbound). The traffic report documents that the system can continue to perform at City Standards with the addition of this development.

The applicant intends to work with the City, County, and surrounding property owners to ensure that all necessary improvements are constructed for water, sewer and traffic systems. Conformance with the Recommendations of the Traffic Report and City Engineer assessments will ensure conformance with this approval criterion.

5. The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this Development Code and the comprehensive plan.

Applicant Response: The site is vacant and does not contain any identified significant scenic, archaeological, natural, historic or unique resources; therefore additional preservation mitigation measures are not necessary.

6. The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six-mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)

Applicant Response: Prior to final plat approval, the applicant will submit to the County Surveyor to confirm that the name can be approved in accordance with this approval criterion.

7. The streets and roads are laid out so as to conform to an adopted transportation system plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

Applicant Response: The proposed streets align with all surrounding streets, meet the required block length and width requirements, and have been sized and located to conform to City design Standards. As designed, the proposal conforms to this approval criterion.

8. Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.

Applicant Response: All new and existing streets are proposed to be public streets, which will be dedicated to the public without any reservation or restriction, as required by this criterion.

9. Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.

Applicant Response: No adverse impacts have been identified; therefore mitigation measures are not anticipated.

10. Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.

Applicant Response: The property is surrounded by rights of way (existing and planned) and the design includes complete transportation, water and sewer systems. Access across any property is not needed, thus additional provisions are not anticipated.

Sec. 15.406.020. Final plat for a subdivision.

- A. *Submission of final plat.*

CHAPTER 15.418. - PROCESSING AND RECORDING PROCEDURES

Sec. 15.418.010. Processing and recording subdivision and partition maps.

- A. Submit one reproducible paper, vellum or Mylar map copy to the county surveyor.
- B. Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots.
- C. Submit the required county surveyor review fee as appropriate for the subdivision or partition.
- D. Submit a title report for the subdivision.
- E. Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120 percent of the estimated actual costs, office and field.
- F. After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness Mylar, with corrections made, to the county surveyor for final approval and signature.
- G. Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the county surveyor for recording into the survey records prior to submittal to the county clerk for recording. The exact copy shall comply with the

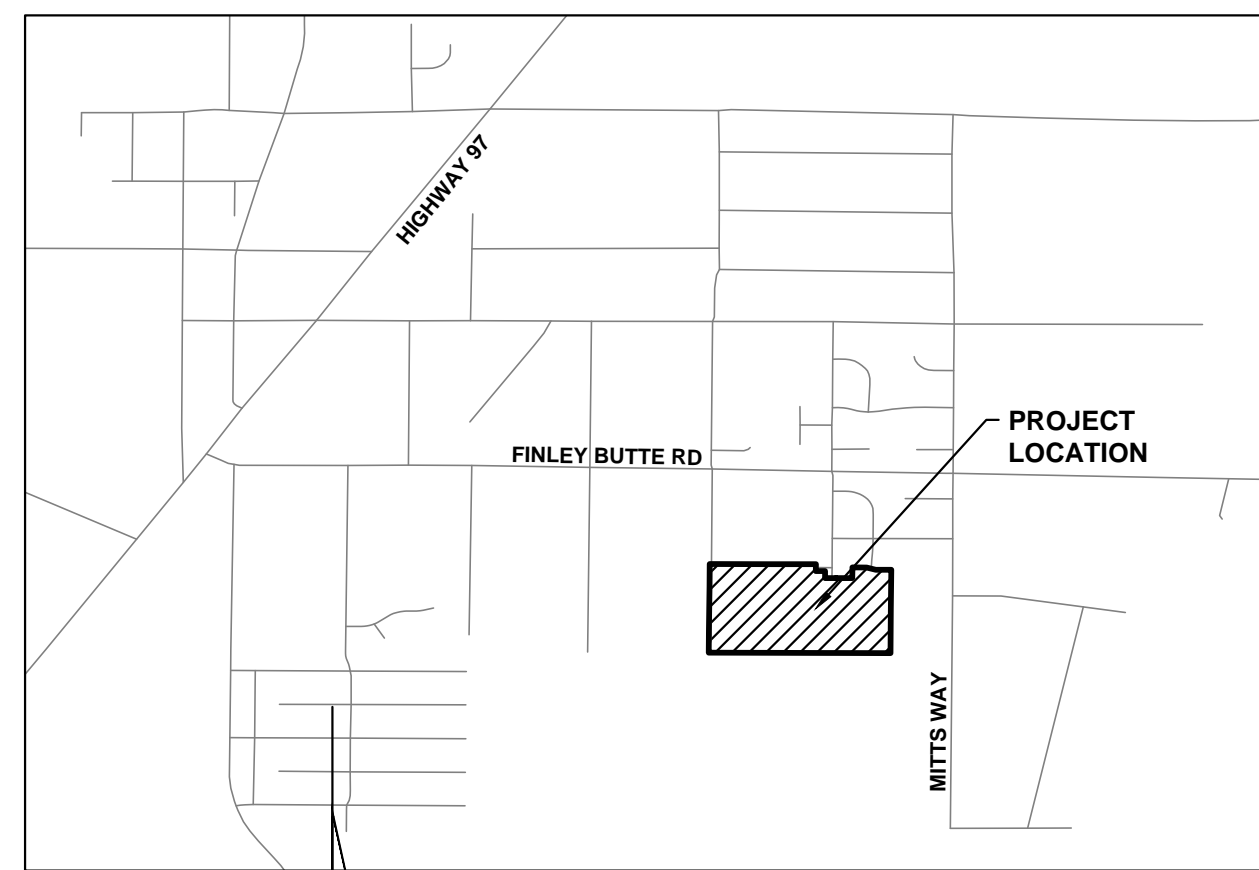
requirements of ORS 92 and other applicable statutes and be submitted on four mil thickness Mylar.

- H. The county surveyor recording fee shall be submitted with the final plat along with any required post-monumentation bond or letter executed by the city attorney that the bonding requirements are met.
- I. The plat shall then be submitted to the county clerk along with the required recording fee. After recording information is placed on the exact copy by the county clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the county surveyor to complete the process. The number of prints required shall be 12 for a subdivision plat and six prints for a partition unless a greater number is requested by the county surveyor at initial review.
- J. Copies of the exact copy of the final plat showing the recording information shall also be submitted to the city planning official, together with an electronic copy in a format approved by the city. The scale and format of the plans and the number of copies required shall be as specified on the application form.

Applicant Response: Subsequent to Tentative Plan Approval, the applicant plans to follow these final map requirements.

VII. Summary and Conclusion:

The preceding sections document that the proposed land division and site plan conform to the applicable approval criteria and standards outlined in the La Pine Development Code. Because the proposal conforms to all applicable criteria and standards, the applicant requests that the City approve the Subdivision and Site Plan application as proposed.



VICINITY MAP
NTS

PONDEROSA PARK

TENTATIVE PLAN & SITE PLAN REVIEW

51330 WHEELER RD, LA PINE, OR 97739

TAXLOT: 221014DB01000

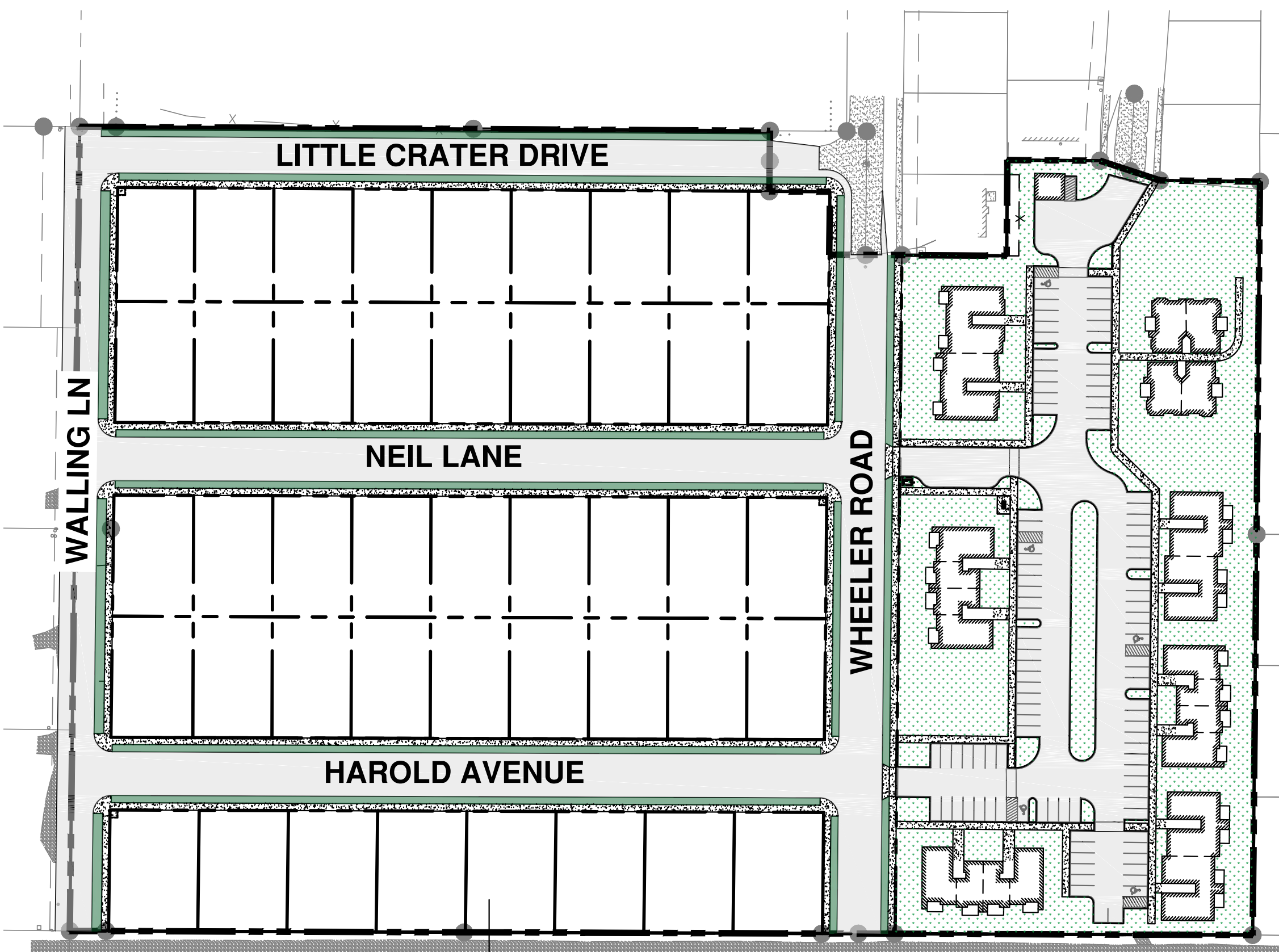
CITY PROJECT NUMBER: XX

CITY OF LA PINE, DESCHUTES COUNTY, OREGON

SEPTEMBER 2021

CONSTRUCTION NOTES:

- NO CONSTRUCTION SHALL BE STARTED WITHOUT APPROVAL BY THE CITY OF LA PINE. THE CITY AND THE DESIGN ENGINEER SHALL BE NOTIFIED AT LEAST 24 HOURS PRIOR TO THE START OF CONSTRUCTION. ANY CONSTRUCTION WORK DONE PRIOR TO NOTICE TO PROCEED BEING ISSUED OR WITHOUT INSPECTION WILL BE REJECTED.
- CONTRACTOR SHALL VERIFY ALL CONDITIONS ON THE JOB SITE INCLUDING BUT NOT LIMITED TO, ALL DIMENSIONS, GRADES, ELEVATIONS, EXTENT AND COMPATIBILITY TO THE EXISTING SITE CONDITIONS, AND WITH THE WORK DESCRIBED ON THE ENGINEER'S DRAWINGS. ANY DISCREPANCIES OR UNEXPECTED CONDITIONS THAT AFFECT OR CHANGE THE WORK DESCRIBED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY. CONTRACTOR SHALL NOT PROCEED WITH ANY OF THE WORK IN THE AREA OF DISCREPANCIES UNTIL ALL SUCH DISCREPANCIES ARE RESOLVED. IF THE CONTRACTOR CHOOSES TO DO SO, THEN IT IS UNDERSTOOD THAT THE CONTRACTOR IS CHOOSING TO PROCEED AT THE CONTRACTOR'S OWN RISK AND SHALL INCUR ALL COSTS, IF ANY TO RESOLVE THE ISSUES TO THE SATISFACTION OF THE ENGINEER.
- A CITY INSPECTOR ACTING ON BEHALF OF THE CITY MAY REQUIRE REVISIONS IN PLANS TO SOLVE UNFORESEEN PROBLEMS THAT MAY ARISE IN THE FIELD.
- ALL CONSTRUCTION WORK AND INSTALLATIONS SHALL CONFORM TO CURRENT CITY OF LA PINE STANDARDS & SPECIFICATIONS REQUIREMENTS, AND ALL WORK SHALL BE SUBJECT TO THE APPROVAL OF THE CITY.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT "UNDERGROUND LOCATE SERVICE" AT 1-800-332-2344 AT LEAST 48 BUSINESS-DAY HOURS PRIOR TO THE START OF CONSTRUCTION FOR THE LOCATION OF POWER, GAS, CABLE TV AND TELEPHONE UNDERGROUND FACILITIES. THE CONTRACTOR WILL ALSO BE RESPONSIBLE FOR CONTACTING THE APPROPRIATE PUBLIC AGENCY FOR THE LOCATION OF UNDERGROUND FACILITIES.
- ALL UTILITIES SHOWN ARE ACCURATE TO THE EXTENT OF AVAILABLE RECORDS AND KNOWLEDGE. NO POTHOLING TO VERIFY LOCATIONS AND ELEVATIONS HAS BEEN PERFORMED. THE CONTRACTOR HAS THE TOTAL RESPONSIBILITY TO VERIFY THE LOCATION OF EXISTING UNDERGROUND UTILITIES AND TO NOTIFY THE UTILITY COMPANIES WHEN WORKING IN THEIR PROXIMITY. CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION. OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)232-2987.
- ALL GRADING SHALL BE IN CONFORMANCE WITH THE CURRENT CITY STANDARDS AND SPECIFICATIONS AND CURRENT GRADING ORDINANCE. ALL SUBGRADE MATERIAL SHALL BE CONSIDERED CLASS A AND COMPACTED TO 95% OF OPTIMUM DENSITY. AS SPECIFIED IN THESE PLANS, ALL FILL MATERIAL SHALL BE COMPACTED TO 95% RELATIVE COMPACTION PER THE CITY STANDARDS. TESTING TO BE REQUIRED IF REQUESTED BY THE OWNER OR EOR.
- ALL FINAL CUT SLOPES SHALL NOT EXCEED A GRADE OF 2 TO 1 VERTICAL UNLESS OTHERWISE APPROVED. FILL SLOPES SHALL NOT EXCEED A GRADE OF 2 HORIZONTAL TO 1 VERTICAL UNLESS OTHERWISE APPROVED BY THE ENGINEER.
- ALL UNSUITABLE SOILS MATERIALS, RUBBISH AND DEBRIS RESULTING FROM GRADING OPERATIONS SHALL BE REMOVED FROM THE JOB SITE AND DISPOSED OF PROPERLY.
- THE CONTRACTOR SHALL EMPLOY ALL LABOR, EQUIPMENT, AND METHODS REQUIRED TO PREVENT DUST IN AMOUNTS DAMAGING TO PROPERTY, CULTIVATED VEGETATION AND DOMESTIC ANIMALS OR CAUSING A NUISANCE TO PERSONS OCCUPYING BUILDINGS IN THE VICINITY OF THE JOB SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED BY DUST RESULTING FROM CONSTRUCTION.
- THE CONTRACTOR SHALL FOLLOW ALL APPLICABLE INDUSTRIAL SAFETY REGULATIONS. THE CITY AND DESCHUTES COUNTY AND THEIR OFFICIALS, THE ENGINEER, AND THE OWNER SHALL NOT BE RESPONSIBLE FOR ENFORCING SAFETY REGULATIONS.
- MATERIAL QUANTITIES USED, NOTED, OR PROVIDED IN A SEPARATE ITEMIZED QUANTITY TAKE-OFF ARE AN ENGINEER'S OPINION OF PROBABLE MATERIAL REQUIREMENTS, AND IS AN ESTIMATE ONLY. CONTRACTOR'S HAVE THE SOLE RESPONSIBILITY OF MAKING THEIR OWN QUANTITY TAKE-OFF AND COST ESTIMATE.



SITE MAP
1" = 100'

DEVELOPER:
BLUE COLLAR INVESTMENTS LLC
2669 TWIN KNOLLS DR #105
BEND, OR 97701

ENGINEER & SURVEYOR:
BECON CIVIL ENGINEERING & LAND SURVEYING
APRIL PUST, PE
549 SW MILL VIEW WAY, SUITE 100
BEND, OREGON 97702

UTILITY PROVIDERS:
CITY OF LA PINE WATER
CITY OF LA PINE SEWER
MID STATE ELECTRIC
CASCADE NATURAL GAS
CRESTVIEW CABLE
BEND BROADBAND
CENTURY LINK

SHEET INDEX:

- C-01 COVER SHEET
- C-02 EXISTING CONDITIONS & DEMO PLAN
- C-03 TENTATIVE SUBDIVISION PLAT
- C-04 SITE & UTILITY PLAN (SUBDIVISION)
- C-04.1 SITE & UTILITY PLAN (MULTI-FAMILY)
- C-05 GRADING & DRAINAGE PLAN (SUBDIVISION)
- C-05.1 GRADING & DRAINAGE PLAN (MULTI-FAMILY)



PONDEROSA PARK
BLUE COLLAR INVESTMENTS
COVER SHEET
LA PINE, DESCHUTES COUNTY, OREGON



REVISIONS:

1.	
2.	
3.	

549 SW MILL VIEW WAY
SUITE 100
BEND, OREGON 97702
(541) 633-3140
www.beconing.com

BECON
CIVIL ENGINEERING
& LAND SURVEYING

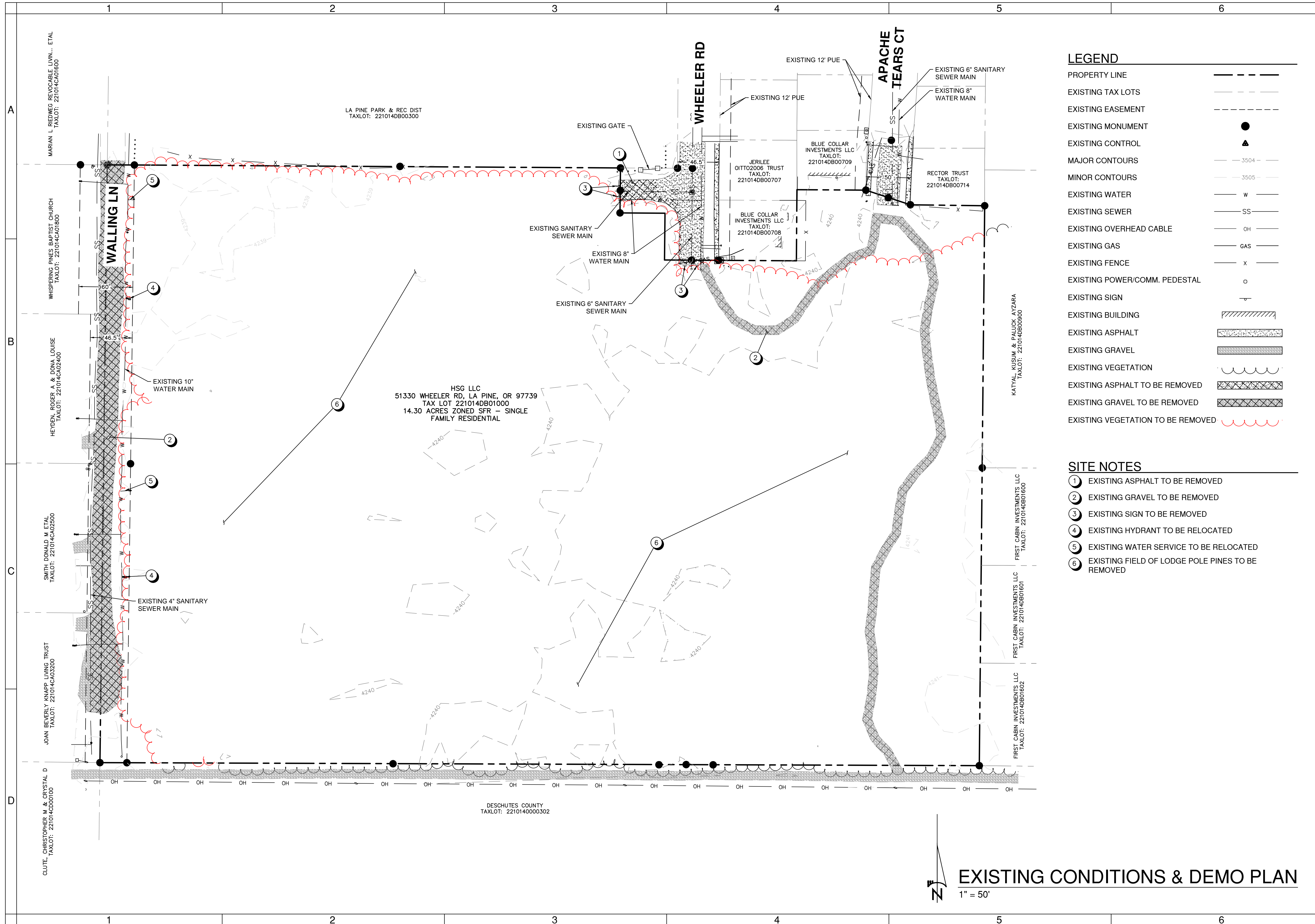
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DRAWN BY: NAH
SCALE: 1" = 100'
FILE: 21013
DATE: 9/10/2021

VERIFY SCALES
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BAR EQUALS ONE INCH
ON ORIGINAL DRAWING

SHEET:
C - 01

01 OF 07

FILE# BECON - 21013

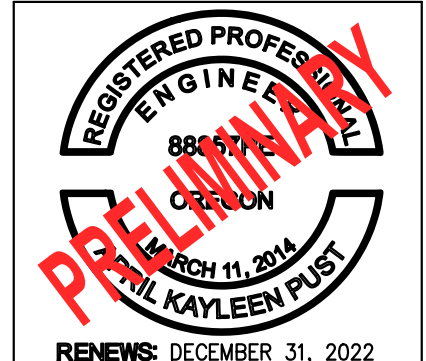


LEGEND

PROPERTY LINE	---
EXISTING TAX LOTS	---
EXISTING EASEMENT	- - - -
EXISTING MONUMENT	●
EXISTING CONTROL	▲
MAJOR CONTOURS	--- 3504 ---
MINOR CONTOURS	--- 3505 ---
EXISTING WATER	W
EXISTING SEWER	SS
EXISTING OVERHEAD CABLE	OH
EXISTING GAS	GAS
EXISTING FENCE	X
EXISTING POWER/COMM. PEDESTAL	o
EXISTING SIGN	+
EXISTING BUILDING	[Hatched Box]
EXISTING ASPHALT	[Dotted Box]
EXISTING GRAVEL	[Cross-hatched Box]
EXISTING VEGETATION	[Wavy Line]
EXISTING ASPHALT TO BE REMOVED	[Dotted Box with X]
EXISTING GRAVEL TO BE REMOVED	[Cross-hatched Box with X]
EXISTING VEGETATION TO BE REMOVED	[Wavy Line with X]

SITE NOTES

- ① EXISTING ASPHALT TO BE REMOVED
- ② EXISTING GRAVEL TO BE REMOVED
- ③ EXISTING SIGN TO BE REMOVED
- ④ EXISTING HYDRANT TO BE RELOCATED
- ⑤ EXISTING WATER SERVICE TO BE RELOCATED
- ⑥ EXISTING FIELD OF LODGE POLE PINES TO BE REMOVED



REVISIONS: DECEMBER 31, 2022

PONDEROSA PARK
BLUE COLLAR INVESTMENTS
 EXISTING CONDITIONS & DEMO PLAN
 LA PINE, DESCHUTES COUNTY, OREGON



REVISIONS:

1.	
2.	
3.	

BECON
 CIVIL ENGINEERING & LAND SURVEYING
 549 SW MILL VIEW WAY
 SUITE 100
 BEND, OREGON 97702
 (541) 633-3140
 www.beconing.com

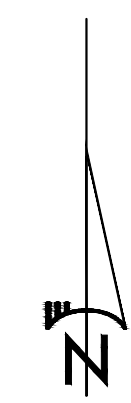
DESIGNED BY: AKP
 DRAWN BY: NAH
 SCALE: 1" = 50'
 FILE: 21013
 DATE: 9/10/2021

VERIFY SCALES
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 BAR EQUALS ONE INCH
 ON ORIGINAL DRAWING

SHEET:
C - 02

02 OF 07

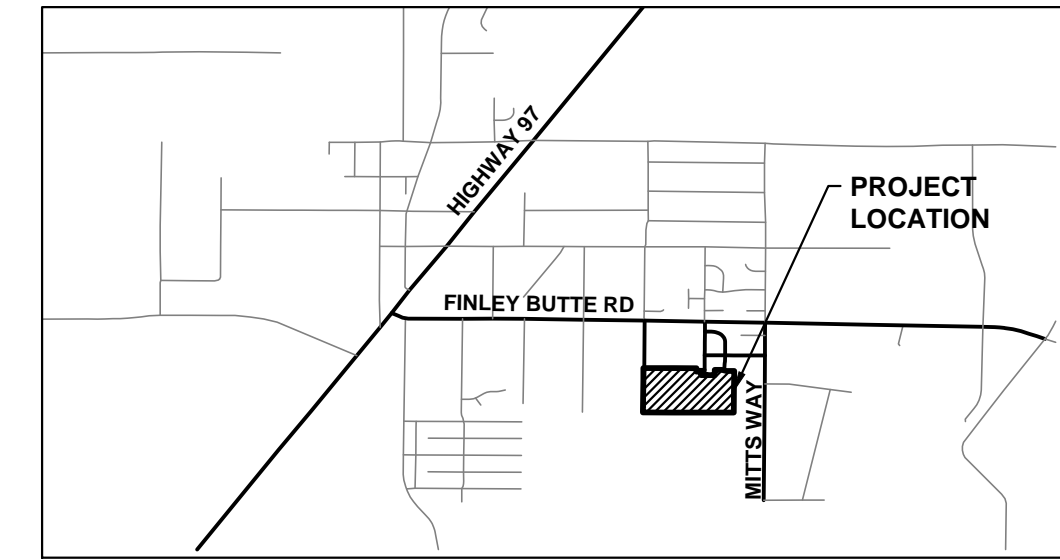
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EXISTING CONDITIONS & DEMO PLAN
 1" = 50'

PONDEROSA PARK - TENTATIVE SUBDIVISION PLAT

LOCATED IN LOTS 1-46 SECTION 14 TOWNSHIP 22S RANGE 10E W.M. DESCHUTES COUNTY, OREGON.



VICINITY MAP
NTS

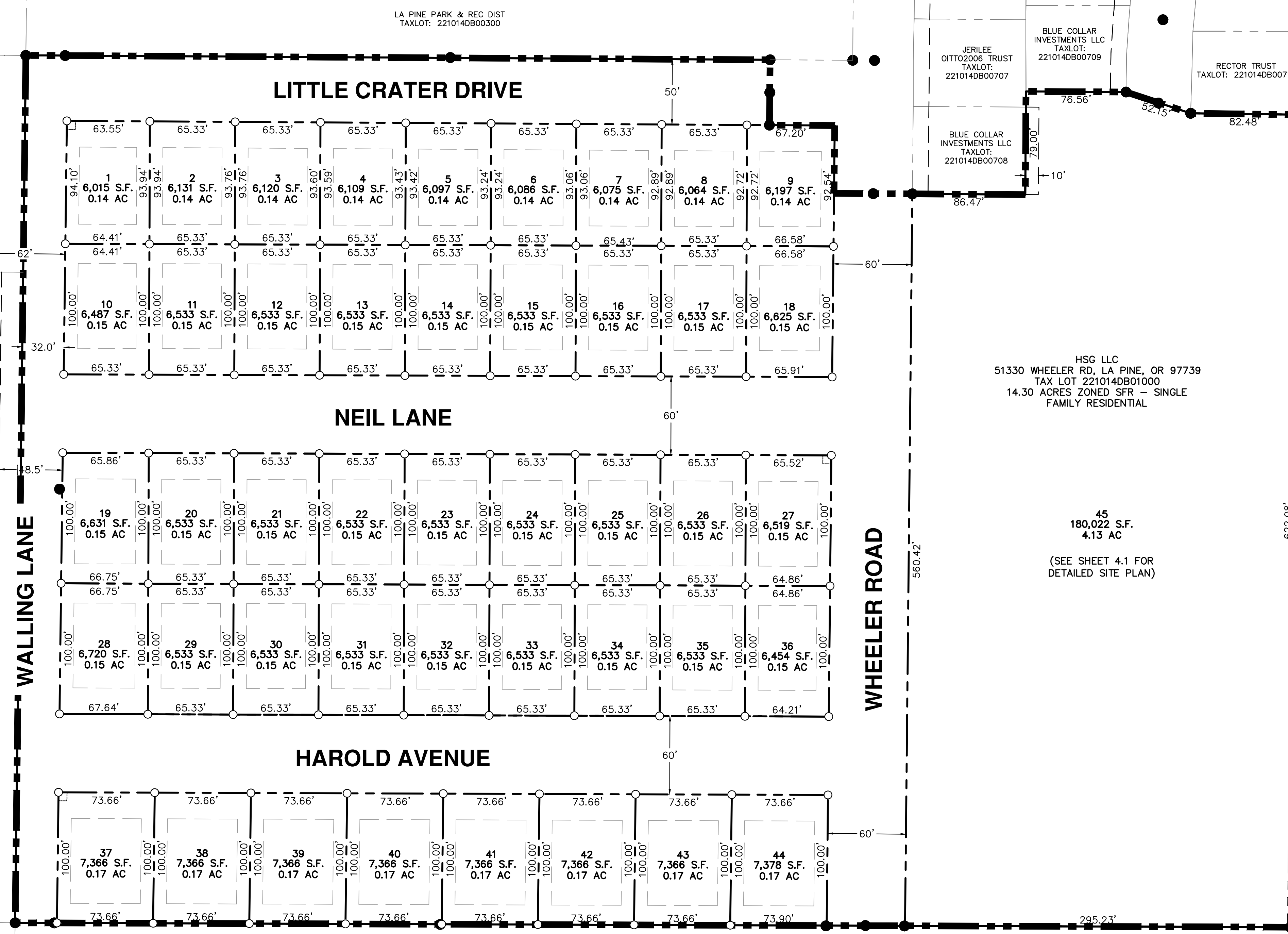
LEGEND:

- PROJECT BOUNDARY
- EXISTING TAX LOTS
- PROPOSED LOT LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- PROPOSED MONUMENT
- FOUND MONUMENT

SITE DATA:

- CURRENT ZONING: SFR - SINGLE FAMILY RESIDENTIAL
- CURRENT USE: VACANT LOT
- PROPOSED USE: SUBDIVISION
- TOTAL LOT AREA: 14.30 ACRES
- TOTAL LOT COUNT: 46 LOTS
- TAX PARCEL: 221014DB01000
- SITE ADDRESS: 51330 WHEELER RD
LA PINE, OR 97739
- CODE SETBACKS: FRONT - 20'
SIDE - 10'
REAR - 15'
- DENSITY: MIN = 1 UNIT/ACRE
MAX = 7 UNITS/ACRE
PROPOSED = 7 UNITS/ACRE

PROPOSED LOT AREA					
LOT #	S.F.	LOT #	S.F.	LOT #	S.F.
1	6015	17	6533	33	6533
2	6131	18	6625	34	6533
3	6120	19	6631	35	6533
4	6109	20	6533	36	6454
5	6097	21	6533	37	7366
6	6086	22	6533	38	7366
7	6075	23	6533	39	7366
8	6064	24	6533	40	7366
9	6197	25	6533	41	7366
10	6487	26	6533	42	7366
11	6533	27	6519	43	7366
12	6533	28	6720	44	7378
13	6533	29	6533	45	180022
14	6533	30	6533	ROW DEDICATION	152461
15	6533	31	6533		
16	6533	32	6533		



TENTATIVE SUBDIVISION PLAT

SCALE: 1" = 50'



PONDEROSA PARK
BLUE COLLAR INVESTMENTS
TENTATIVE SUBDIVISION PLAT
LA PINE, DESCHUTES COUNTY, OREGON



REVISIONS:
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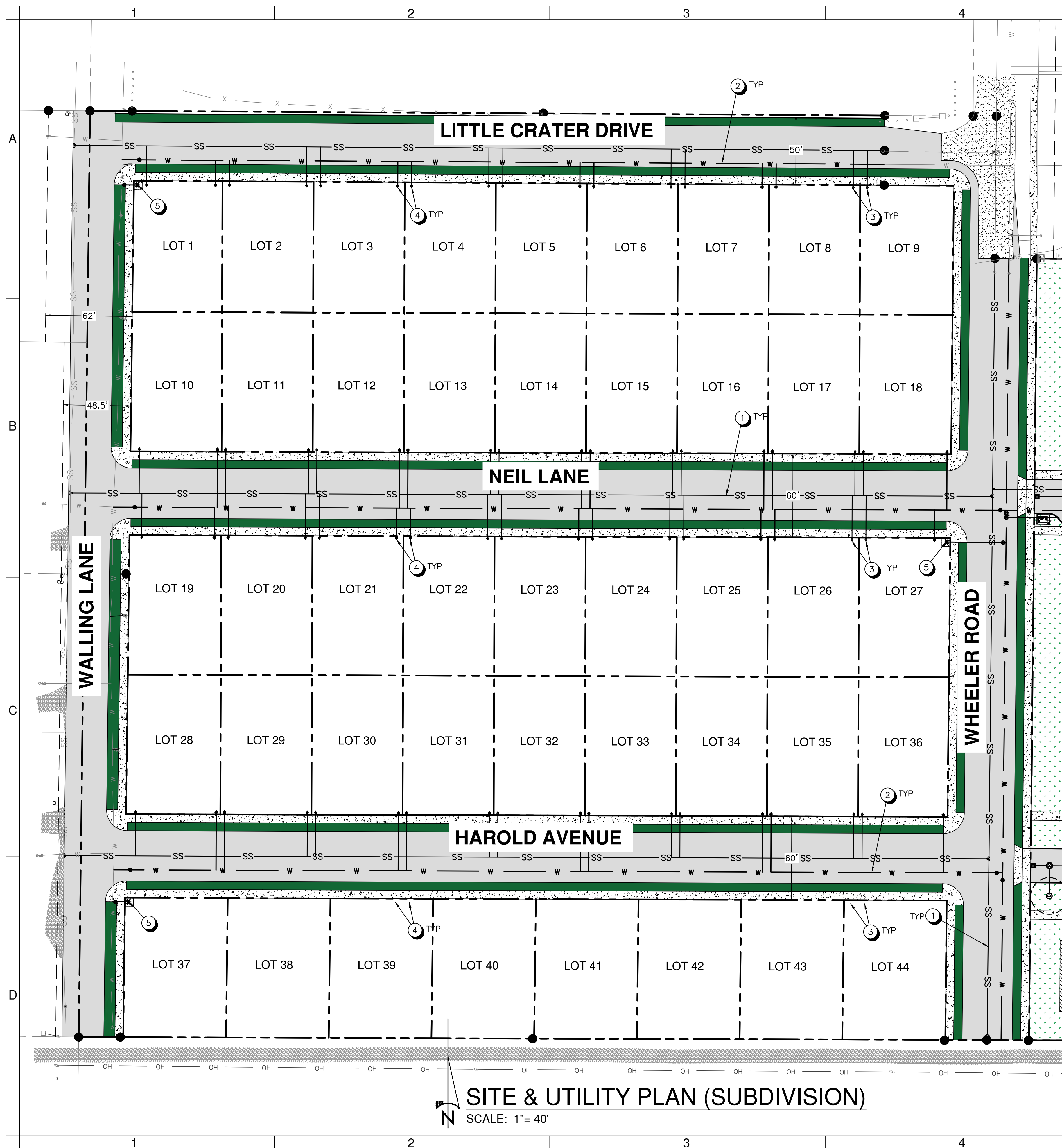
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DRAWN BY: NAH
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03 OF 07

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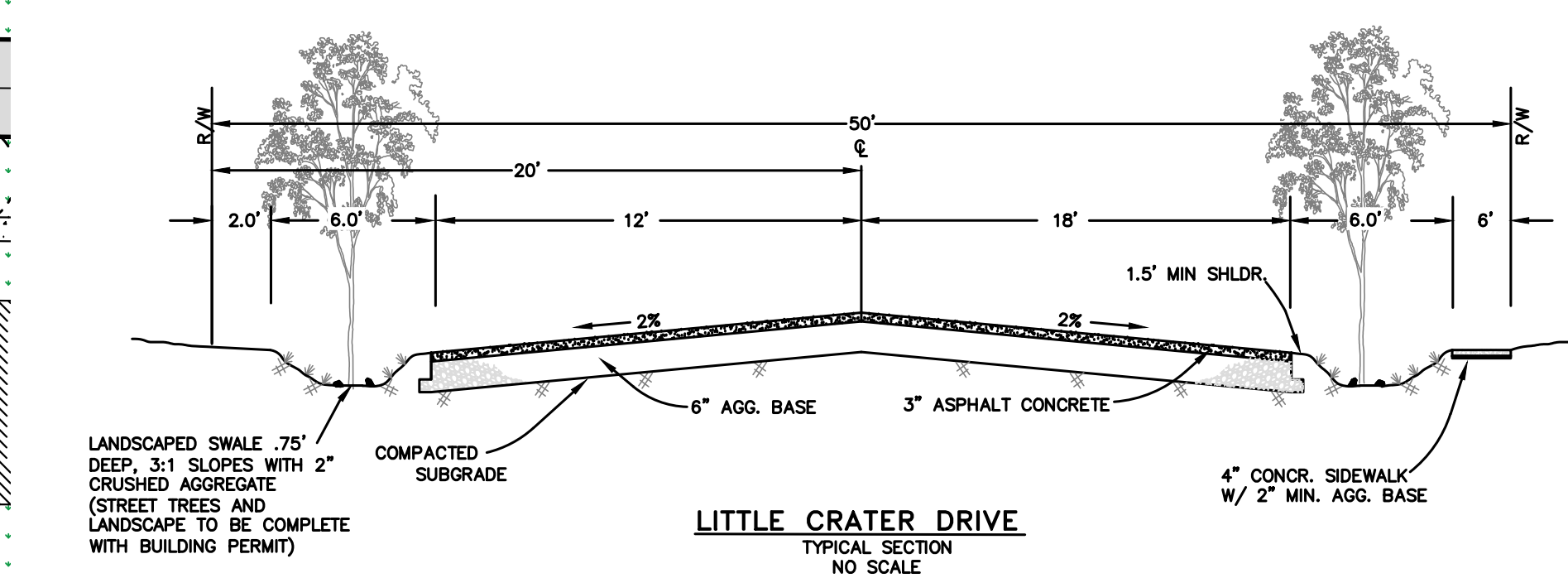
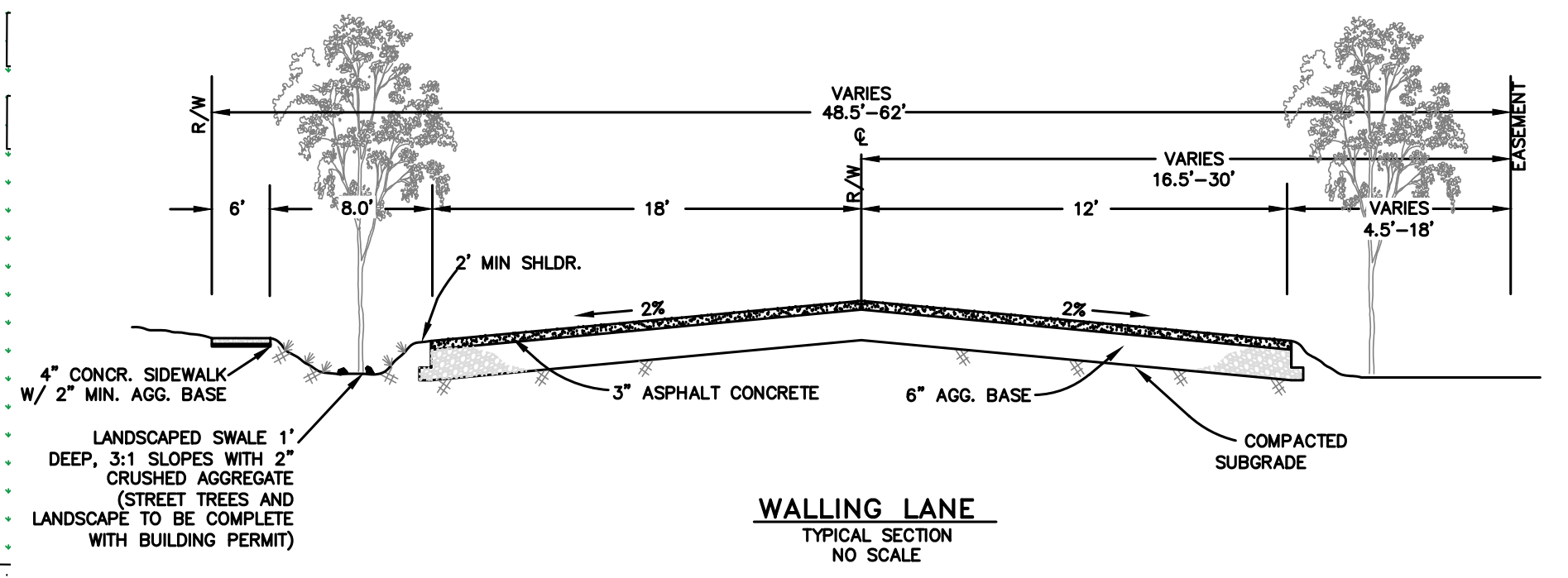
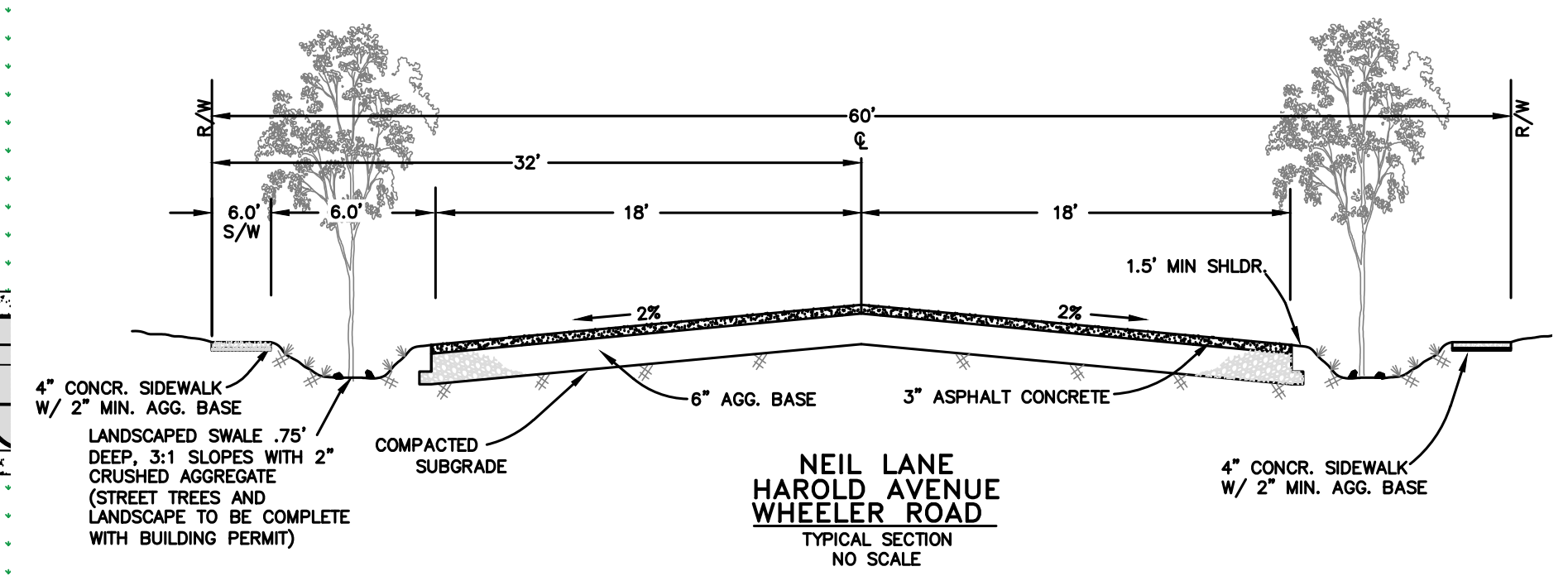


LEGEND

- PROPERTY LINE
- EXISTING TAX LOTS
- EXISTING EASEMENT
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- PROPOSED HYDRANT
- PROPOSED WATER METER
- PROPOSED WATER VALVE
- PROPOSED SEWER CLEANOUT
- PROPOSED ASPHALT
- PROPOSED CONCRETE
- PROPOSED LANDSCAPE/SWALE

SITE NOTES

- ① PROPOSED SEWER MAIN
- ② PROPOSED WATER LINE
- ③ PROPOSED SEWER SERVICE
- ④ PROPOSED WATER SERVICE
- ⑤ PROPOSED HYDRANT



PONDEROSA PARK
BLUE COLLAR INVESTMENTS
SITE & UTILITY PLAN (SUBDIVISION)
LA PINE, DESCHUTES COUNTY, OREGON



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1.	
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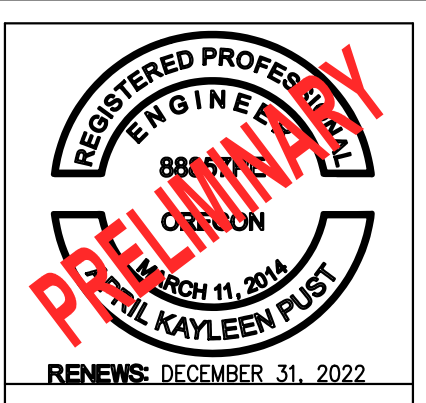
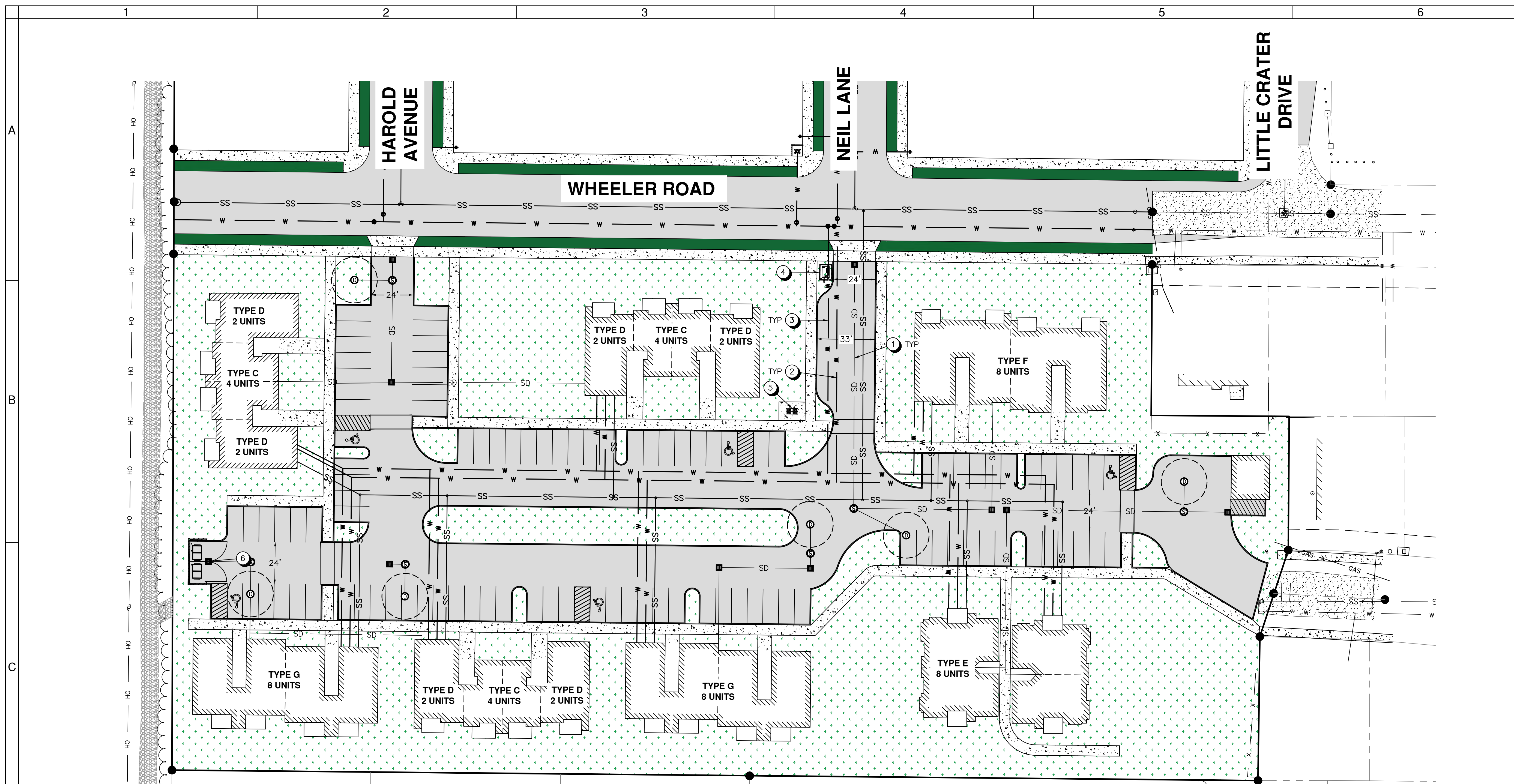
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FILE: 21013
DATE: 9/10/2021

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04 OF 07

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PONDEROSA PARK
BLUE COLLAR INVESTMENTS
 SITE & UTILITY PLAN (MULTI-FAMILY)
 LA PINE, DESCHUTES COUNTY, OREGON



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05 OF 07

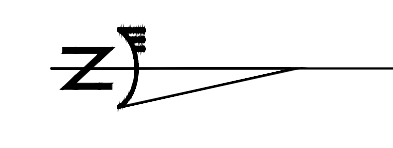
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LEGEND

PROPERTY LINE	---
EXISTING TAX LOTS	----
EXISTING EASEMENT	- - - -
PROPOSED WATER LINE	— W —
PROPOSED SEWER LINE	— SS —
PROPOSED HYDRANT	⊗
PROPOSED WATER METER	⊠
PROPOSED WATER VALVE	•
PROPOSED SEWER CLEANOUT	○
PROPOSED ASPHALT	▒
PROPOSED CONCRETE	▒
PERVIOUS AREA (SEE LANDSCAPE PLAN FOR DETAILS)	▒

SITE & UTILITY PLAN (MULTI-FAMILY)

SCALE: 1" = 30'

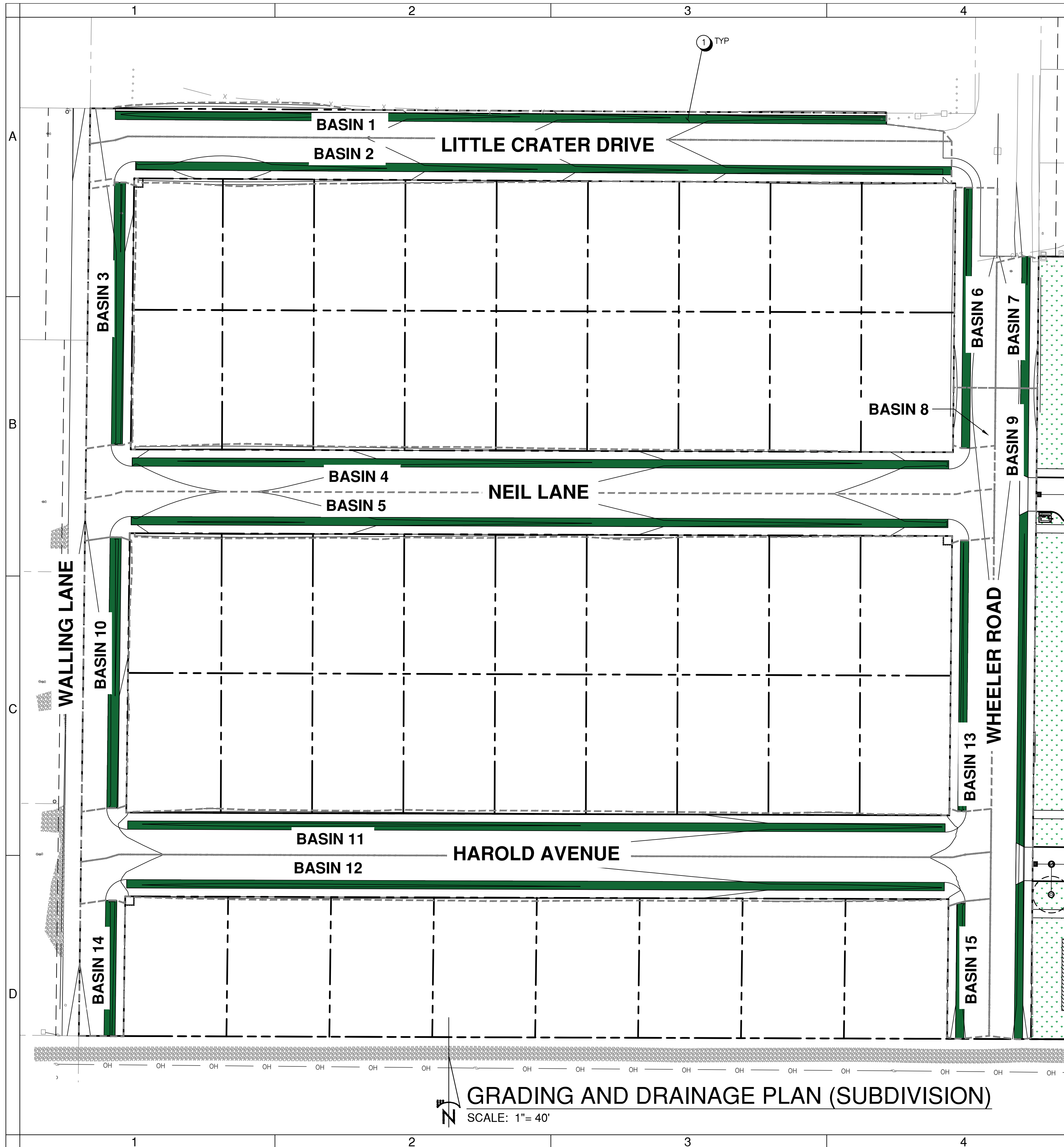


SITE NOTES

- ① PROPOSED SEWER SERVICE
- ② PROPOSED WATER SERVICE
- ③ PROPOSED FIRE LINE
- ④ PROPOSED FIRE VAULT
- ⑤ PROPOSED CLUSTER MAILBOXES
- ⑥ PROPOSED TRASH ENCLOSURE

SITE DATA:

UNITS:	
TYPE C:	12 UNITS
TYPE D:	12 UNITS
TYPE E:	8 UNITS
TYPE F:	8 UNITS
TYPE G:	16 UNITS
TOTAL UNITS:	56 UNITS
PARKING:	
STANDARD:	97 STALLS
ADA:	5 STALLS
LOADING:	1 STALL



1 TYP

LEGEND

PROPOSED MINOR CONTOUR	————— 3581 —————
PROPOSED MAJOR CONTOUR	————— 3580 —————
EXISTING MINOR CONTOUR	----- 3581 -----
EXISTING MAJOR CONTOUR	----- 3580 -----
PROPOSED STORM PIPE	—— SD —— SD ——
DRAINAGE BASIN	-----
SURFACE FLOW ARROW	↗

DRAINAGE NOTES
 ① CONSTRUCT LANDSCAPE SWALE

STORMWATER CALCULATIONS
 6 MONTH = 1.1" / 25 YEAR = 2.6" / 100 YEAR = 3.0"

BASIN	IMPERVIOUS AREA (SF/AC) CN=98	25 YR STORM PEAK FLOW (CFS/GPM)	25 YR STORM VOLUME (CF/GAL)
1	7,484/0.17	0.329/148	1,508/11,281
2	15,835/0.36	0.698/313	3,194/23,893
3	4,708/0.11	0.213/96	976/7,301
4	17,308/0.40	0.775/348	3,549/26,548
5	17,408/0.40	0.775/348	3,549/26,548
6	3,436/0.08	0.155/70	710/5,311
7	2,217/0.05	0.097/44	444/3,321
8	1,017/0.02	0.039/18	177/1,324
9	11,536/0.26	0.504/226	2,307/17,258
10	4,763/0.11	0.213/96	976/7,301
11	17,305/0.40	0.775/348	3,549/23,227
12	17,218/0.40	0.775/348	3,549/26,548
13	4,644/0.11	0.213/96	976/7,301
14	2,304/0.05	0.097/22	444/3,321
15	2,355/0.05	0.097/22	444/3,321



PONDEROSA PARK
BLUE COLLAR INVESTMENTS
 GRADING & DRAINAGE PLAN (SUBDIVISION)
 LA PINE, DESCHUTES COUNTY, OREGON



REVISIONS:

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 549 SW MILL VIEW WAY
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06 OF 07

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PONDEROSA PARK
BLUE COLLAR INVESTMENTS
 SITE & UTILITY PLAN (MULTI-FAMILY)
 LA PINE, DESCHUTES COUNTY, OREGON



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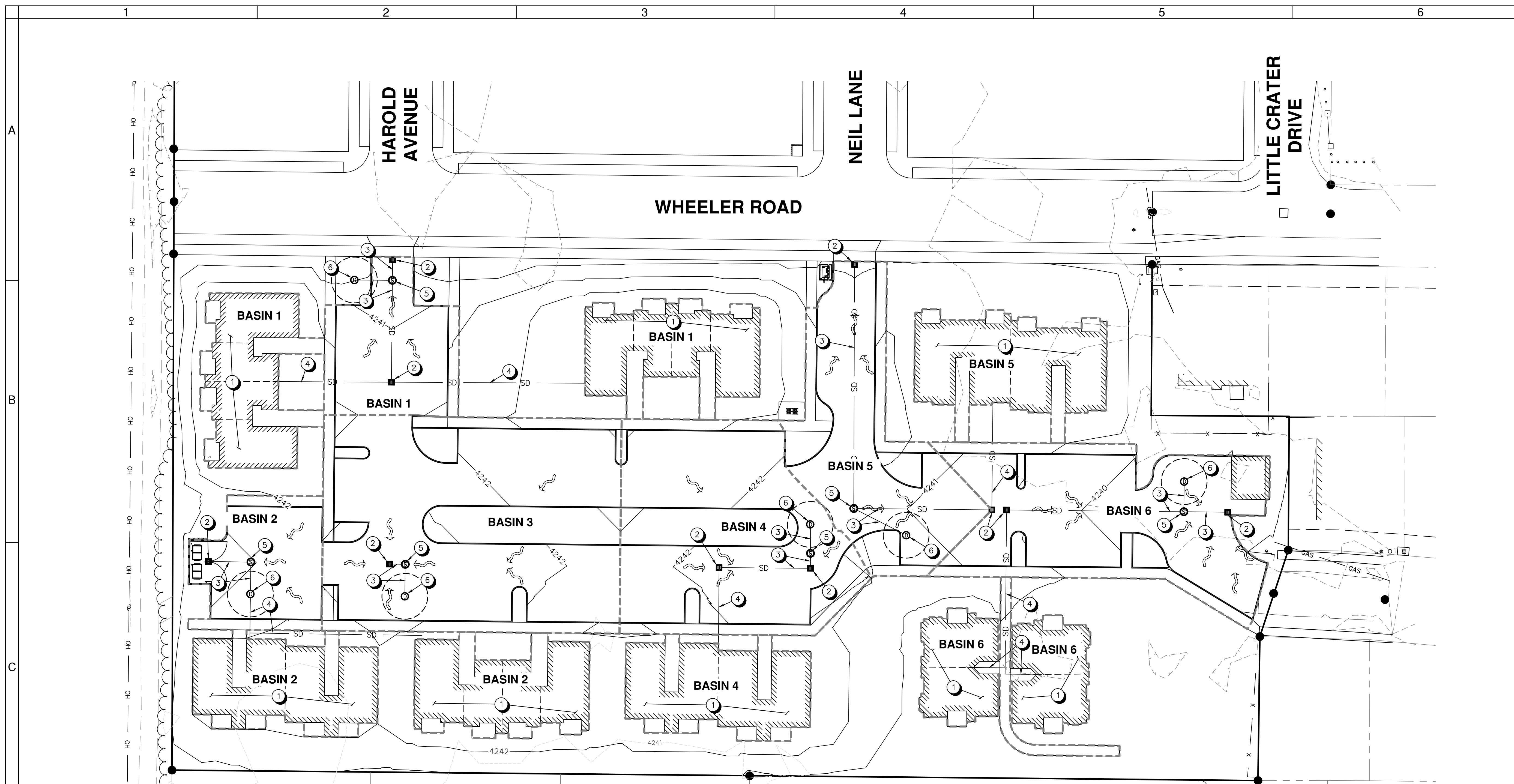
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07 OF 07

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LEGEND

PROPOSED MINOR CONTOUR	3581
PROPOSED MAJOR CONTOUR	3580
EXISTING MINOR CONTOUR	3581
EXISTING MAJOR CONTOUR	3580
PROPOSED STORM PIPE	SD SD
DRAINAGE BASIN	-----
SURFACE FLOW ARROW	↗

GRADING AND DRAINAGE PLAN (MULTI-FAMILY)

SCALE: 1" = 30'

- DRAINAGE NOTES**
- ① REFER TO ARCHITECTURAL PLANS FOR BUILDING ROOF DRAINAGE DESIGN
 - ② PROPOSED CATCH BASIN
 - ③ PROPOSED 8" PVC STORM PIPE TO BE INSTALLED
 - ④ PROPOSED 6" PVC STORM PIPE TO BE INSTALLED
 - ⑤ INSTALL SEDIMENTATION MANHOLE
 - ⑥ INSTALL STANDARD PRE-CAST DRYWELL

STORMWATER CALCULATIONS

6 MONTH = 1.1" / 25 YEAR = 2.6" / 100 YEAR = 3.0"

BASIN	IMPERVIOUS AREA (SF/AC) CN=98	25 YR STORM PEAK FLOW (CFS/GPM)	25 YR STORM VOLUME (CF/GAL)
1	15,729/0.36	0.698/313	3,194/23,893
2	15,240/0.35	0.678/304	3,105/23,227
3	17,724/0.40	0.775/348	3,549/26,548
4	16,819/0.39	0.756/339	3,460/25,883
5	15,178/0.35	0.678/304	3,105/23,227
6	19,039/0.44	0.853/383	3,904/29,204



Date:	June 16, 2021
To:	Alexa Repko, City of La Pine
From:	Joe Bessman, PE
Project Reference No.:	1593
Project Name:	Ponderosa Park Subdivision Transportation Impact Analysis

The purpose of this memorandum is to provide a Transportation Impact Analysis for the proposed Ponderosa Park Subdivision. This development will include 44 single-family homes and 56 multifamily homes that will be accessed from the extension of the local streets: Walling Lane and Wheeler Road. This report was prepared to provide the City of La Pine with information on the status and operational characteristics of its transportation system. The City’s Comprehensive Plan Section 15.90.070 states the following:

Design of streets and other public facilities.

A. *Traffic circulation system. The overall street system shall ensure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic circulation system within the land division, and as such system and traffic generated there from affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.*

B. *Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:*

1. *Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
2. *Conform to a plan for the general area of the development approved by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and*
3. *Conform to the adopted La Pine Transportation System Plan as may be amended.*

This text does not contain specific criteria or requirements for a Transportation Impact Analysis. The City’s adopted Transportation System Plan contains recommended Code language for adoption, but it does not appear that the City has yet adopted this language into its Development Code. With the recently adopted requirements for Clear and Objective standards to support the development of needed housing this limits the requirements of this analysis to the adopted Code which is largely absent. Accordingly, typical TIA information is provided within this document to help the City understand infrastructure conditions and needs, but it does not appear that these are to be measured to any adopted standards.

AREA AND PROPERTY DESCRIPTION

The proposed 14.3-acre site is located within the City of La Pine. The property address is 51330 Wheeler Road, La Pine, Oregon 97739, taxlot 221014DB01000. The property is zoned *Residential Single-Family*, and neighboring parcels to the northeast and west have been developed with similar uses and densities. Finley Butte Park is located adjacent to the property on the north side. The land to the south and east of Mitts Way is zoned for industrial uses and is currently undeveloped. Figure 1 illustrates the location of the property for context.



Figure 1. Site Vicinity Map. Source: Deschutes County DIAL.

PROPOSED DEVELOPMENT PLAN

The proposed plan improves Walling Lane on the west edge of the property from a gravel road to the City's local street standards as a $\frac{3}{4}$ street section that will include a 30-foot pavement width and 6-foot wide sidewalks on the east side of the street. Wheeler Road is also proposed for extension from the northeast edge of the site to the south edge of the site within a 60-foot right-of-way, and will include a 36-foot pavement width. The plan includes a gated emergency connection to Apache Tears Court, with two access connections shown onto Wheeler Road. Forty-four single family homes are planned to the west of Wheeler Road that will be served by Walling Lane, Wheeler Road, and three east-west oriented local roads. This project will develop the east side of the property with 56 multifamily units in seven two-story buildings. As the project provides needed housing, this report is intended to follow a Clear and Objective application track that is required to only respond to adopted Code criteria and requirements.

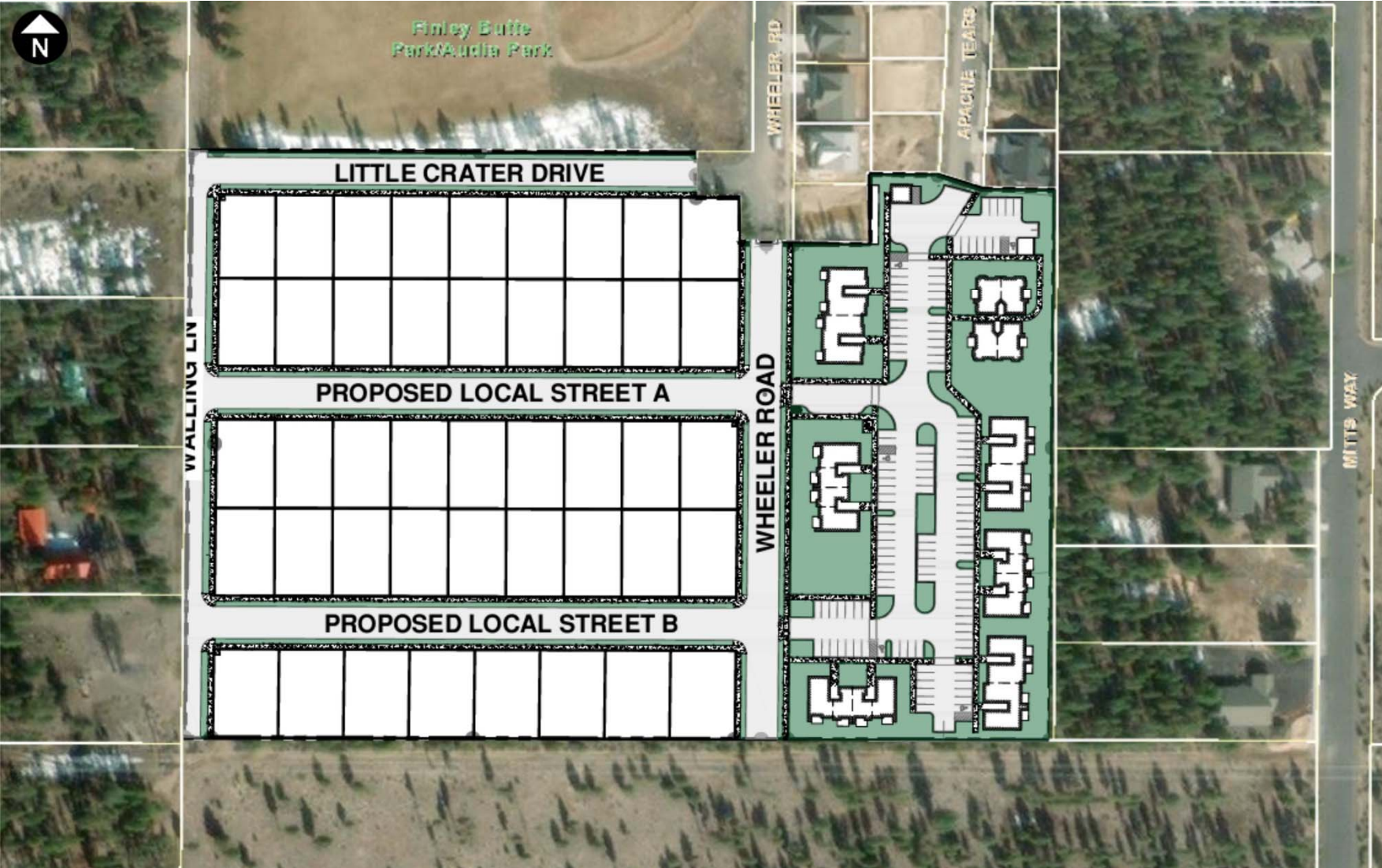


Figure 2. Conceptual Site Plan.
Source: Becon Civil Engineering & Land Surveying, dated June 16, 2021
Map Source: Deschutes County DIAL.

Lot sizes in the development will range from approximately 6,000 square-feet to 6,800 square-feet. The site layout includes sidewalks on all new roadways separated from the roadway by a planter strip. In addition to those provided along the new streets, sidewalks are also planned within the multifamily portion of the site, connecting the units to the parking lots and roadways. In addition, marked pedestrian crossings are provided within the parking lot. A site plan containing a preliminary layout of the proposed development is provided in Figure 2.

TRIP GENERATION ESTIMATES

Trip generation estimates for the proposed development were prepared using the standard reference *Trip Generation, 10th Edition*, published by the Institute of Transportation Engineers (ITE). This national reference includes cordon-area studies of various land uses throughout the US. The Land Use Categories that best apply to the proposed development include the following:

- **Land Use 210: Single-Family Detached Housing** - *Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.*
- **Land Use 220: Multifamily Housing (Low-Rise)** - *Low-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have one or two levels (floors).*

The proposed single-family dwellings best match the description for land use category 210, and the proposed two-story multifamily best meets the description for land use category 220. Table 1 details the trip generation estimates based on the application of the above categories.

Table 1. Estimated Trip Generation (ITE 10th Edition)

Land Use	ITE Code	Size (Units)	Weekday Trips	Weekday PM Peak Hour		
				Total	In	Out
Single-Family Detached Housing	210	44 units	415 <i>(9.44/unit)</i>	44 <i>(0.99/unit)</i>	28 <i>(63%)</i>	16 <i>(37%)</i>
Multifamily Housing (Low-Rise)	220	56 units	410 <i>(7.32/unit)</i>	31 <i>(0.56/unit)</i>	20 <i>(63%)</i>	11 <i>(37%)</i>
Total Proposed Trips			825	75	48	27

As shown in Table 1, trip generation estimates for the proposed subdivision identify approximately 825 weekday daily trips, 75 of which are expected to occur during the weekday p.m. peak hour. The unadopted City of La Pine Transportation System Plan recommends that a Transportation Impact Analysis (TIA) be prepared for all new developments expected to generate 200 or more weekday daily trips or 20 or more weekday p.m. peak hour trips. The recommended elements of a TIA are provided within this report for informational purposes following a description of how the proposed development complies with the required Design of Streets and Other Public Facilities.

ROADWAY DESIGN

This section of the report is intended to respond directly to City requirements as outlined within the Comprehensive Plan.

The overall street system shall ensure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic circulation system within the land division, and as such system and traffic generated there from affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application.

All streets within the proposed subdivision include perpendicular intersection angles and provide an orderly extension of surrounding local streets. The roads are generally laid out in a grid system such that there are multiple ways to access Finley Butte Road in the near-term. The improvements to Walling Lane and Wheeler Road are planned to be stubbed at the south property line for future extension with adjacent developments, which will provide alternate routes in the future for trips heading west and south.

The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.

All streets within the proposed subdivision conform to City of La Pine Public Works local street standards for the paved width. The planned 36-foot paved width along Wheeler Road accommodates two 11-foot travel lanes and 7-feet of on-street parking on both sides of the road. The proposed cross-section includes 6-foot wide sidewalks consistent with City standards, and 6-foot wide planter strips, which are slightly narrower than the 8-foot standard for local streets specified in the City's 2016 Design Standards. This design will safely accommodate residential needs.

The pavement width along Walling Lane is slightly narrower at 30-feet, supporting parking along the development side of the street. This facility also includes six-foot sidewalks separated with an 8-foot landscape swale.

B. Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:

- 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
- 2. Conform to a plan for the general area of the development approved by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and*

The street pattern shown in the site layout extends and connects all adjacent roads in their intended projections. Walling Lane will connect in the future to development to the south as adjacent parcels are developed. The proposed layout extends all stubbed streets with exception of Apache Tears Court. This route will include a gated access to maintain Wheeler Road as the primary access to the multifamily site.

- 3. Conform to the adopted La Pine Transportation System Plan as may be amended.*

Figure 3 depicts the City's roadway classification map with future projects from the Transportation System Plan. As shown in the figure, there are no streets within the adopted La Pine TSP that impact the subject property. All streets are therefore considered *Local Streets* for design and access purposes.

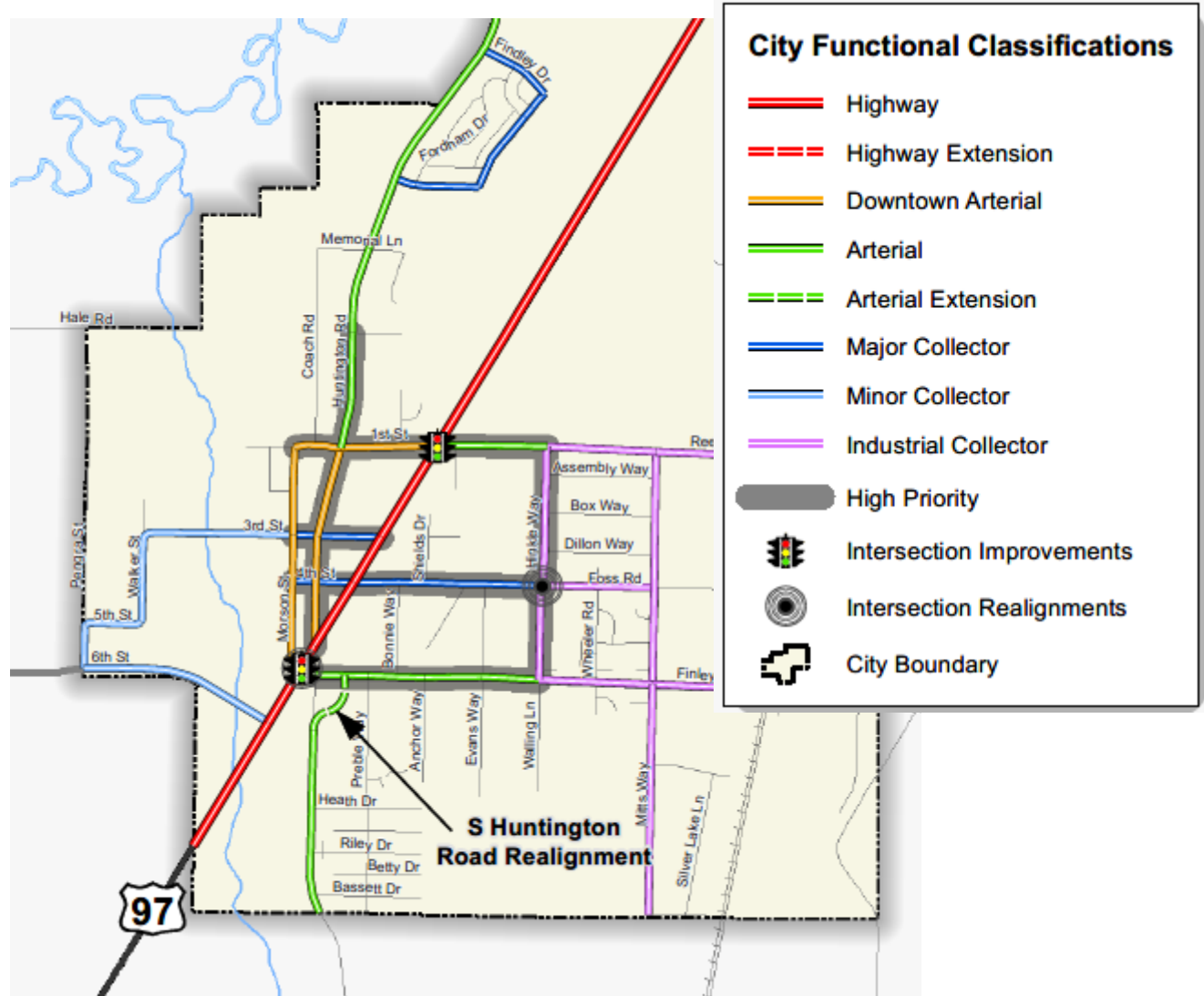


Figure 3. Roadway Functional Classification.
 Source: City of La Pine Transportation System Plan, Figure 4-3.

TRANSPORTATION IMPACT ANALYSIS

As described above, the City’s only adopted standards that would comport to the required Clear and Objective standards for residential development are summarized in the preceding section. However, further analysis and summary is provided herein to respond to anticipated concerns and comments from the City and neighbors related to the safety and adequacy of the transportation system.

TRIP DISTRIBUTION AND TRIP ASSIGNMENT

With the site located in southeast La Pine, most of the trips are expected to arrive from the north along US 97 and Hinkle Way. Approximately 75% of traffic is expected to orient west along Finley Butte to the site. Historical traffic counts were reviewed to inform the travel patterns shown in Figure 4 which indicate that approximately 30 percent turn left when they reach the US 97/Finley Butte intersection. Twenty percent of traffic will head directly north on Hinkle Way, which provide access to the industrial opportunities on the east side of the City and also connect to the signalized 1st Street – Reed Road intersection. Five percent is estimated to head east on Finley Butte Road to the industrial areas further east. The majority of trips to and from the site are expected to use Wheeler Road until the gravel portion of Walling Lane is improved at some point in the future. Figure 4 depicts the estimated trip distribution and assignment.

The City of La Pine's *Functional Classification Map* identifies Huntington Road, Finley Butte Road, Mitts Way and Walling Lane north of Finley Butte Road as *Arterials*. The City of La Pine's Transportation System plan follows the criteria found in Deschutes County Code for determining which intersections must be included in a TIA, while also allowing City, County, and ODOT staff the authority to expand the study. This discretion would not apply to a Clear and Objective application.

For a discretionary application the City would typically require analysis of any intersection impacted by 25 or more weekday p.m. peak hour trips. Based on the trip assignment shown in Figure 4, the identified intersections were considered "study intersections." Analysis of these intersections is included within this report.



Figure 4. Estimated Trip Distribution Pattern and Trip Assignment, Weekday PM Peak Hour

Based on the travel demands, the trip assignment shows that about 25 vehicles per hour (about one vehicle every two minutes) will use the unpaved Walling Lane connection past Finley Butte Park to access the site, with double this value (50 peak hour trips) using the paved Wheeler Road connection.

TRAFFIC SAFETY

Crash records were obtained for all of Deschutes County from the ODOT crash database for the five-year period between January 2014 and December 2018. Crashes required for reporting during this period include those involving any level of personal injury or property damage exceeding \$1,500 prior to 2018 and \$2,500 in year 2018. No crashes were reported at the study intersections during this time period. Preliminary 2019 crash data was also reviewed, and no crashes were found at any of the study intersections or along the Finley Butte Road corridor between Huntington Road and Mitts Way.

INTERSECTION SIGHT DISTANCE

The proposed subdivision will connect to the public street network through the extension of Wheeler Road, the improvement of Walling Lane along the site frontage, and the new east-west road connection (Little Crater Drive) to the existing portion of Wheeler Road. Sight distance information and minimum recommendations are based on the standard reference *A Policy on Geometric Design of Highways and Streets, 7th Edition* published by the American Association of State Highway and Transportation Officials (AASHTO) in 2018, commonly referred to as the *Green Book*.

Intersection Sight Triangles

Given the minor-street stop-control that is in place at the Walling Lane and Wheeler Road connections to Finley Butte Road and similar traffic control at the Wheeler Road/Little Crater Drive intersection sight triangles were developed based on guidance cited within Conditions B1 (left-turn from minor road) and B2 (right-turn from minor road) of the *Green Book*. All distances were measured from a vertex point located 14.5 feet from the major-road travel way along the center of the approaching travel lane, accounting for comfortable positioning distance from the travel way (6.5 feet) and the distance from the front of the vehicle to the driver eye (8.0 feet). The assumed eye height is 3.5 feet above the departing road and the object height is also 3.5 feet above the major road, providing enough space on the approaching vehicle to recognize it.

Intersection sight triangles vary based on the speed of the roadway and the number of travel lanes that a driver must cross. Based on the posted speed of 35 mph and the two-lane cross-section on Finley Butte Road, Figure 5 illustrates the minimum recommended intersection sight distance measurements at the Finley Butte Road intersections. Figure 6 illustrates the minimum recommended intersection sight distance measurements for the Wheeler Road/Little Crater Drive intersection based on an assumed speed of 25 mph.

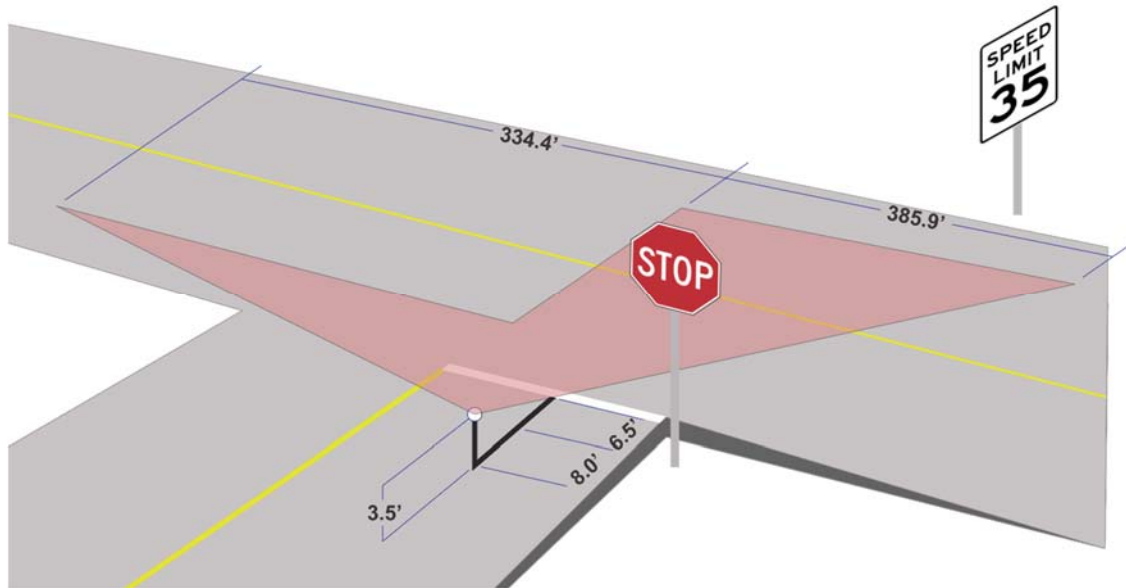


Figure 5. Finley Butte Road Intersection Sight Triangle Measurements for Case B1 (Left-Turn from Stop) and Case B2 (Right-Turn from Stop).

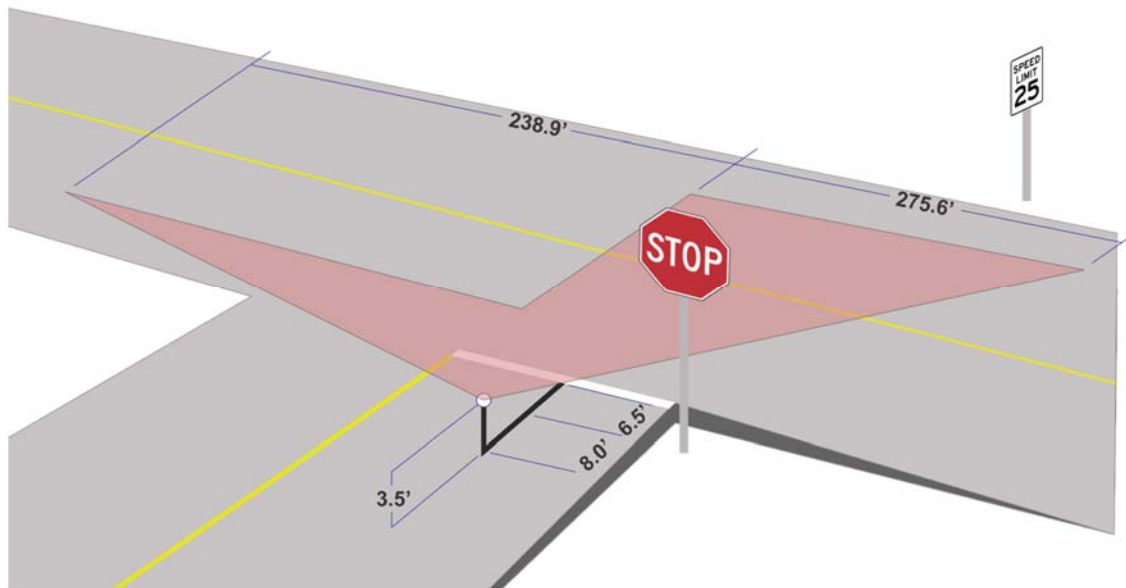


Figure 6. Wheeler Road Intersection Sight Triangle Measurements for Case B1 (Left-Turn from Stop) and Case B2 (Right-Turn from Stop).

Case B1: Left-Turn From Stop

Recommended intersection sight distances are based on the distance an approaching vehicle travels during the time it takes a side-street vehicle to make a decision and safely accelerate into the travel lane without unduly interfering with major-street traffic. Given the generally flat slopes and two-lane cross-sections, a time gap of 7.5 seconds was applied based on a typical passenger car. AASHTO Formula 9-1 summarizes the recommended sight distances.

$$\text{Intersection Sight Distance} = 1.47 V_{\text{major (mph)}} t_{\text{gap (sec)}}$$

Case B2: Right Turn from the Minor Road

Views for vehicles exiting the site toward the drivers' left must be adequate to accommodate a right-turn. The right-turn maneuver requires that the driver select a gap, enter, and accelerate along the road. A time gap of 6.5 seconds is applied to account for this maneuver, reflecting the shorter distance of crossing into a single lane and the shorter time gap acceptance by drivers turning right.

The locations of the accesses were visited to ensure that no sight distance obstructions were present that would prevent these sight distances from being achieved. Figures 7 through 13 illustrate the available sight distance at the existing accesses on Finley Butte Road and the new Little Crater Drive access to Wheeler Road.



Figure 7. View from Walling Lane facing east along Finley Butte Road.



Figure 8. View west along Finley Butte Road at Walling Lane.



Figure 9. View north at Walling Lane.



Figure 10. View east along Finley Butte Road at Wheeler Road. It is recommended that the adjacent tree be trimmed to provide clear visibility to the stop sign and along the sidewalk.



Figure 11. View west along Finley Butte at Wheeler Road.



Figure 12. View south along Walling Lane beyond the Finley Butte Park access.



Figure 13. View of the southern terminus of Wheeler Road.

TRAFFIC OPERATIONS

The analysis of traffic operations was prepared using Synchro 10 software and the Highway Capacity Manual 6th Edition methodology. All traffic operations within this report reflect peak fifteen-minute conditions during the peak hour. The study intersections are under the jurisdiction of the City of La Pine and Deschutes County, so operational standards of both affected agencies were applied within this analysis to the respective facilities.

Existing Traffic Conditions

Traffic counts were collected at the study intersections on June 2, 2021 during the weekday p.m. peak period from 4:00 to 6:00 p.m. These counts may be impacted by the effects of COVID-19. To assess the potential impact, data collected by ODOT on US 97 between 2019 and 2021 was reviewed. The most recent published report, *Observed Statewide Traffic Volume Patterns: Related to COVID-19 Monitoring* dated June 4, 2021 states that “Overall statewide traffic volumes are approaching pre-COVID traffic volumes.” It reports the average weekday traffic volume on US 97 for the week of May 24th to May 30th (the closest date to the count) to have increased 17-percent over 2020 traffic volumes and to be greater than 2019 (pre-COVID) traffic volumes. Therefore, traffic volumes on US 97 do not appear to have been impacted by COVID-19 during the collection of traffic counts and no volume adjustments were required at the study intersections for COVID-19 impacts.

The traffic counts identify a peak hour between 4:45 and 5:45 p.m. along Finley Butte Road. The traffic counts show that during the peak hour trucks travel predominantly in the eastbound direction and comprise approximately 10 percent of the overall volume on Finley Butte Road. The resulting 2021 traffic volumes during the weekday p.m. peak hour are illustrated in Figure 14.



Figure 14. Year 2021 Existing Traffic Volumes, Weekday PM Peak Hour

Year 2023 No-Build Traffic Conditions

An analysis of year 2023 no-build traffic conditions was prepared to provide a basis of comparison to the “with project” conditions. This scenario includes application of a two-percent annual growth rate to account for regional growth throughout the study area, an account of previously approved but not constructed developments, and planned and funded roadway changes.

The only approved developments of significance within the study area are the residential uses to the southwest within the Huntington Meadows subdivision and the Evans Way Estates Subdivision Phases 1 and 2. The Huntington Meadows subdivision is assumed to be fully built out with the exception of approximately 30 lots. These remaining lots are accounted for within the 2023 “no-build” analysis. Phases 1 and 2 of the Evans Way Estates subdivision are assumed to be complete by 2023.

There were no publicly- or privately-funded transportation improvement projects identified within the study area, so it was assumed that the existing infrastructure will remain in place in both the year 2023 “no-build” and “with project” analysis. Figure 15 shows the resultant traffic volumes throughout the study area intersections.

Year 2023 “With Project” Traffic Conditions

Analysis of the year 2023 “With Project” conditions was prepared by adding the site-generated trips to the traffic volumes identified within the “No Build” scenario. Figure 15 illustrates the resultant traffic volumes.

A summary of intersection operations is provided in Table 2, which shows that all of the City intersections operate well within their carrying capacity.

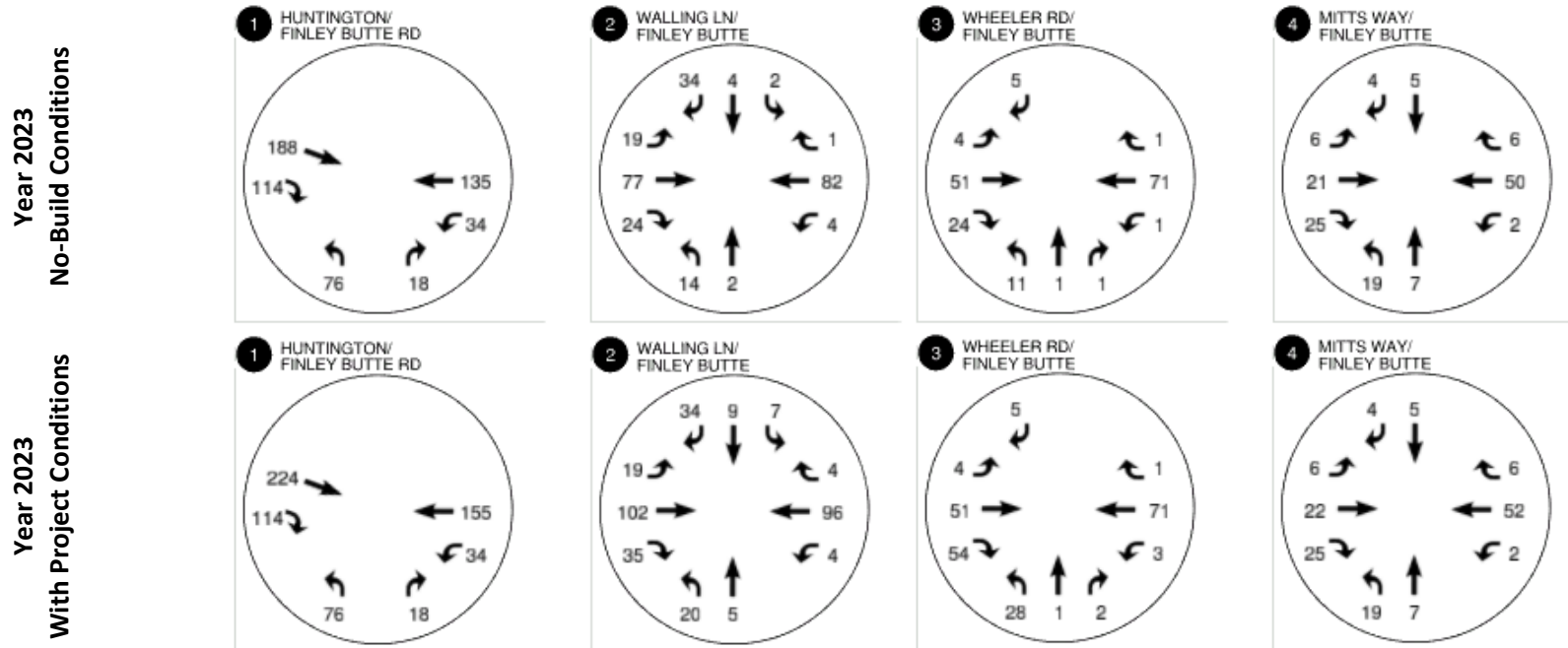


Figure 15. Year 2023 Traffic Volumes, Weekday PM Peak Hour

Table 2. Summary of Intersection Operations, Weekday PM Peak Hour

Intersection	Jurisdiction	Performance Standard	Critical Movement	2021 Existing Conditions			2023 No-Build Conditions			2023 With Project Conditions			Acceptable?
				LOS	Delay (sec)	v/c Ratio	LOS	Delay (sec)	v/c Ratio	LOS	Delay (sec)	v/c Ratio	
S Huntington Road/ Finley Butte Road	City of La Pine	v/c < 0.90 LOS E	NB LR	LOS B	11.3 s	0.10	LOS B	13.9 s	0.22	LOS C	15.0 s	0.24	Yes
Walling Lane/ Finley Butte Road	City of La Pine	v/c < 0.90 LOS E	NB LTR	LOS B	10.6 s	0.03	LOS B	11.5 s	0.04	LOS B	12.5 s	0.07	Yes
Wheeler Road/ Finley Butte Road	City of La Pine	v/c < 0.90 LOS E	NB LTR	LOS A	9.8 s	0.02	LOS A	9.9 s	0.02	LOS B	10.3 s	0.06	Yes
Mitts Way/ Finley Butte Road	City of La Pine	v/c < 0.90 LOS E	NB LTR	LOS B	10.1	0.05	LOS B	10.1 s	0.06	LOS B	10.1 s	0.06	Yes

FINDINGS AND RECOMMENDATIONS

Based on this review, the extension of local streets and development of the planned residential subdivision can occur in compliance with City requirements.

- City streetscape sections should conform to adopted City standards as identified within the Transportation System Plan and include 36-foot wide street sections to support on-street parking on both sides of the street.
- To support access to the new subdivision, Walling Lane should be repaved from its intersection with Finley Butte Road. As this exceeds the required frontage improvements and benefits the adjacent neighbors and public access to the park these costs should be fully SDC creditable.
- Pavement sealing should be provided along Wheeler Road through the existing subdivision to prevent further damage to the pavement.
- Accessible crossings should be provided at all intersections within the subdivision, and all adjacent roadway stubs should be extended as identified in the proposed development plan.
- All “T” approaches within the subdivision should be stop-sign controlled to provide clear designation of roadway right-of-way.
- Fencing, utilities, landscaping, and other above-ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.
- Existing vegetation at the Finley Butte Road intersection with Wheeler Road should be trimmed to provide clear sight lines to the stop sign, sidewalks, and oncoming vehicles.
- A gated connection should be provided at the end of Apache Tears Court to maintain fire access along this portion of the site.
- The development will be required to pay transportation SDC fees to support Citywide improvements per the City’s established methodology.
- While the City of La Pine does not have adopted TIA requirements that would comply with the required “Clear and Objective” standards, for informational purposes analysis was conducted at nearby intersections. This showed that all of the intersections operate acceptably today and with the proposed subdivision at buildout. It is recommended that the City formally adopt the recommended TIA requirements into the La Pine Development Code.

Please let me know if you have any questions or comments on these transportation materials at (503) 997-4473 or via email at joe@transightconsulting.com.

Attachments:

- Traffic Count Worksheets
- Level of Service Worksheets



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**CITY OF LA PINE PLANNING DIVISION
Staff Report to City Council**

FILE NO. 03SUB-21

APPLICANT: Blue Collar Investments LLC
2669 Twin Knolls Dr #105
Bend, OR 97701

ENGINEER: BECON Civil Engineering & Land Surveying
549 SW Mill View Way, Suite #100
Bend, OR 97702

TRAFFIC ENGINEER: Transight Consulting, LLC
Joe Bessman, Principal
61271 Splendor Lane
Bend, OR 97702

LOCATION: The subject property is located directly south of the intersection of Cabin Lake Lane and Wheeler Road. The property address is 51330 Wheeler Road, La Pine and is also identified as Tax Lot 221014DB01000.

REQUEST: Tentative Plan Review to approve a 45-lot subdivision on a 14.30-acre lot located in the Residential Single-Family (RSF) Zone.

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Development Code

Article 3. Zoning Districts

- Chapter 15.18 Residential Zones

Article 5. Development Standards

- Chapter 15.80 Development Standards, Generally
- Chapter 15.88 Access and Circulation
- Chapter 15.90 Public Facilities
- Chapter 15.92 Additional Standards for Land Divisions
- Chapter 15.94 Improvement Procedures and Guarantees

Article 7. Procedures

- Chapter 15.202 Summary of Application Types and General Provisions
- Chapter 15.204 Application Procedures

Article 9. Land Divisions

- Chapter 15.402 General Provisions
- Chapter 15.406 Subdivisions and Planned Unit Developments (PUD)
- Chapter 15.418 Processing and Recording Procedures

City of La Pine Transportation System Plan

II. INTRODUCTION

The proposed 45-lot subdivision is on Wheeler Road, east of the Evans Way Estates Subdivision. Staff recommends several Conditions of Approval at the end of the Staff Report, for compliance with the La Pine Development Code. Comments from City Public Works and Engineering are incorporated in this Staff Report. At the time of drafting the Staff Report, no public comments had been received.

III. FINDINGS OF FACT:

LOCATION: The subject property is located at 51330 Wheeler Road, La Pine and is also identified as Tax Lot 221014DB01000.



ZONING: The subject property is zoned Residential Single Family (RSF) on both the La Pine Zoning Map and La Pine Comprehensive Plan Map.

SITE DESCRIPTION: The subject property is approximately 14.30 acres in size and rectangular in shape. It is currently vacant and the topography is relatively level. The subject property is located outside of any FEMA designated floodway and/or floodplain, and no mapped wetlands are on site. It abuts Wheeler Road, a public right-of-way maintained by Deschutes County and Walling Lane, a private road.

SURROUNDING USES: To the north is Finley Butte Park and 0.15 acre lots developed with single-family residences. To the east are lots close to an acre in sized developed with single-family residences. To the west are lots at least an acre in size developed with single-family residences. To the south is property owned by Deschutes County and zoned Industrial.

LOT LEGALITY: Pursuant to Section 15.304.020(A), the subject property is a legal lot of record as it is Tract A of Wheeler Park Phase 1, recorded in Official Records TP-12-1020 on July 11, 2013.

PUBLIC NOTICE AND COMMENTS: The City of La Pine sent Notice of Public Hearing to the Planning Commission, City Council, and to the property owners within 100 feet of the subject property on 12/29/21. Notice was also published in the local paper, Wisebuys, and on the City website. No public comments were received. The City will mail the Notice of Decision to the same distribution list.

AGENCY/DEPARTMENT COMMENTS: The City of La Pine requested review and comments from the following departments: City Fire Chief, ODOT, Republic Services, Deschutes County Building Division, Deschutes County Road Department, City Engineer, Public Works Department, and the Office of the State Fire Marshal. All comments received are incorporated herein.

IV. APPLICATION OF THE CRITERIA:

CONFORMANCE WITH CITY OF LA PINE ZONING ORDINANCE

Article 3. Zoning Districts

- ***Chapter 15.18 Residential Zones***

15.18.400 Development Standards

A. Purpose. The development standards for residential zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

B. Development Standards. The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by Chapter 15.320, Variances. Additional standards may apply to specific zones or uses, see Section 15.18.500. Footnotes in the table correspond to the sections below.

1. Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.
2. Accessory dwellings do not count toward the maximum density standard in the RSF zone.

Table 15.18-2 — Development Standards in the Residential Zones

Standard	RSF	RMF
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes. Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	--	--
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See Chapter 15.82	See Chapter 15.82

FINDING: Per the Applicant's Burden of Proof and Tentative Plan, the Applicant is proposing a density of approximately 4.4 dwelling units per acre (45 lots/10.2 acres), well within the range of 1 to 7 units per acre requirement as specified above. Every proposed lot has at least 50 feet of street frontage. As such, these requirements are satisfied.

The proposed lot sizes range between 6,015 and 7,378 square feet and are of a large enough size to accommodate dwellings and garages, as well as accessory structures, and comply with the front side and rear setbacks and maximum lot coverage requirements. Compliance with setbacks, lot coverage and building height will be verified for compliance during the building permit review process for the development of each lot. Pursuant to 15.82.010, minimum landscape areas do not apply to single-family dwelling construction. The proposed tentative plan complies, or can comply upon development, with the standards of this section.

15.18.500 Additional Standards

A. RSF Zone. The following standards apply to all development in the RSF zone.

1. No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure's interior, except for screened-in porches.
2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.
3. See Article 5 for additional development standards.

FINDING: The Applicant's Burden of Proof states that the proposed subdivision is designed to comply with all applicable development standards for the RSF Zone. No buildings are proposed as part of this application. Future development will be reviewed in detail for conformance as applicable to building codes during the building permit review process.

Article 5. Development Standards

- **Chapter 15.80 Development Standards, Generally**

15.80.010 Purpose

Article 5 contains development and design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through the provision of landscaping and buffering, parking and loading facilities, multimodal accessibility and interconnectivity, and adequate public facilities.

In interpreting and applying this title, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

15.80.020 Applicability

Any land division or development, and the improvements required therefore, shall be in compliance with the development, design and improvement standards and requirements set forth in this Article. Other provisions of this Code, other city ordinances, or state statutes or administrative rules may also apply.

FINDING: The application is for subdivision, which is by definition a land division. As such, the standards of Chapter 15.80 are applicable and are reviewed herein. In addition, future development will be reviewed in detail for conformance as applicable to building codes during the building permit review process.

15.80.030 Exemption - Lot Size Requirements

A. The following exemptions to minimum lot size requirements shall apply.

- a. Non-conforming lots or aggregate of contiguous lots or parcels held in a single ownership has an area or dimensions which do not meet the lot size or dimensional requirements of the applicable zone, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; providing however, residential use shall be limited to single-family dwelling unit or to the number of dwelling units consistent with the equivalent densities of the zone.
- b. Any parcel of land or portion thereof, which is to be dedicated to a public, semi-public or public utility for a park, school, road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this chapter and the applicable zone.

- B.** For all other lot size requirements in all other zones, applicants may propose approval of exceptions or variances in accordance with the application requirements in Article 8.

FINDING: Per Table 15.18-2 — Development Standards in the Residential Zones, there is no minimum lot size requirement for the RSF zone, except as determined based upon maximum density requirements. The proposal meets the density and lot size requirements. No other exemptions apply.

15.80.040 Exemption - Yard or Setback Requirements

The following exemptions to yard or setback requirements are authorized for a lot or use in any zone.

- A.** If there is a lot where there are buildings on abutting lots, and the buildings are within 100 feet of the intervening lot, and the buildings have front yards less than the required front yard for the applicable zone, the depth of the front yard for the subject lot need not exceed the average depth of the front yards of the abutting lots.
- B.** If there is a building on only one abutting lot within 100 feet with a front yard less than the required front yard for the zone, the front yard of the subject lot need not exceed a depth one-half way between the depth of the yard on the abutting lot and the required front yard of the applicable zone.
- C.** Architectural features such as cornices, eaves, sunshades, canopies, gutters, chimneys and flues may project into a required yard two feet, provided that the projection is not closer than three feet to a property line, and, drainage or snowdrift does not flow onto abutting properties or right of way, and, fumes from woodstoves are not directed to other properties. Steps, terraces, platforms, patios, decks and porches having no roof covering, and fences not interfering with vision clearance requirements or drainage requirements may be permitted in required yards, except as otherwise limited or provided for by this ordinance, or as otherwise approved by the city.

FINDING: No buildings are proposed as part of this application, but future buildings and structures will be reviewed for conformance with the Development Code when specific development is proposed. Lots shall comply with dimensional and setback requirements as required by this decision and applicable sections of the Development Code.

15.80.050 Supplementary Height Regulations

The maximum height limitations shall not apply to:

- A.** The following principal structures: Church, college, farm structure (other than a farm dwelling), hospital, radio or television tower, exhaust stack, emergency services structure, or public utility structure which is a permitted use and is located in any zone, provided it shall conform to the setback and yard requirements of the zone where it is located plus 1 additional foot horizontally for each foot over 45 feet in height.
- B.** The following appurtenances attached to or part of a principal or accessory structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus 1 foot horizontally for each foot in which it exceeds 45 feet in height above ground level. The principal or accessory structure to which it is attached may conform to setback and yard

requirements with no additional setback provided the principal or accessory structure conforms to the height limitations of the zone.

FINDING: No buildings are proposed as part of this application, but future buildings and structures will be reviewed for conformance with the Development Code when specific development is proposed.

15.80.060 Restrictions on the Use of Metal Shipping Containers

Except as specified below, metal shipping containers shall not be placed on site:

- A.** In residential zones, no metal shipping containers shall be utilized as a dwelling at anytime, or as storage structures for greater than 30 days.
- B.** In commercial zones, metal shipping containers shall not be placed on site, with the exception of short-term use for construction or relocations (30 days or less), or in the case of construction; 30 days after a certificate of occupancy has been issued.
- C.** In Industrial zones, metal shipping containers are permitted for storage uses.

FINDING: The Applicant has not indicated any proposed use of metal containers.

Article 5. Development Standards

- **Chapter 15.88 Access and Circulation**

15.88.010 Purpose

Chapter 15.88 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.

15.88.020 Applicability

Chapter 15.88 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 15.88 applies to all connections to a street or highway, and to driveways and walkways.

FINDING: The proposed subdivision is new development and necessitates the construction of new streets. As such, Chapter 15.88 applies.

15.88.030 Vehicular Access and Circulation

- A. Purpose and Intent.** Section 15.88.030 implements the street access guidelines of the City of La Pine Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.
- B. Permit Required.** Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.

FINDING: This standard can be met through a condition of approval requiring approach permits to be secured. The proposed lots will access City streets and driveways will be reviewed through the building permit process. If driveway access permits are required at the time of building permit application, they shall be reviewed and approved prior to release of building permits.

C. Traffic Study Requirements. The City, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to Section 15.90.080, to determine compliance with this Code.

FINDING: The Applicant submitted a Traffic Impact Analysis, prepared by Transight Consulting LLC, as part of their application. The document was reviewed by Staff and findings are incorporated herein.

D. Approach and Driveway Development Standards. Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility improvements that are designed to maximize the intended function of a particular street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement. Intersections, approaches and driveways shall conform to access spacing guidelines in the City of La Pine Transportation System Plan and the roadway authority's engineering standards. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.

- a. Access points to arterials and collectors may be restricted through the use of the following techniques.
 - i. Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.
 - ii. Sharing of access points between adjacent properties and developments.
 - iii. Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.
 - iv. Constructing frontage or marginal access roads to separate local traffic from through traffic.
 - v. Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.
- b. Consideration of the following traffic and facility improvements for access management.
 - i. Providing of acceleration, deceleration and right-turn-only lanes.
 - ii. Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.
 - iii. Installation of median barriers to control conflicts associated with left turn movements.
 - iv. Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.

FINDING: Access management restrictions and limitations are not needed as the proposal is for an 45-lot subdivision that will only access local access roads. Driveway aprons shall be installed prior to occupancy of any building on any lot.

E. ODOT Approval. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The City may approve a development conditionally, requiring the applicant first obtain required ODOT

permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.

FINDING: No access to Highway 97, a state highway, is proposed nor is a change of use from a use that accesses the highway proposed. This criterion does not apply.

F. Other Agency Approval. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.

FINDING: It does not appear that the proposed development will cross a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency. However, Wheeler Road is a County-maintained road, and approval for access to and modifications of the public right-of-way will require a permit from the County Road Department. This has been included as a condition of approval.

G. Exceptions and Adjustments. The City may approve adjustments to the spacing standards of subsections above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance.

FINDING: The Applicant is not proposing any exceptions or adjustments. As such, this requirement does not apply at this time.

H. Joint Use Access Easement and Maintenance Agreement. Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.

FINDING: The Applicant is not proposing any joint use driveways. As such, this requirement does not apply at this time.

15.88.040 Clear Vision Areas (Visibility at Intersections)

A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.

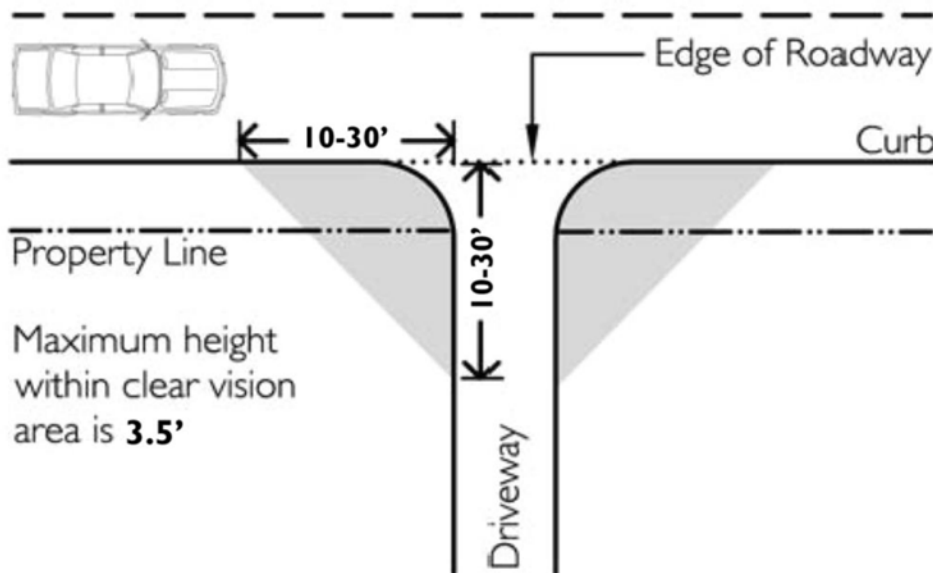
B. A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad (see Figure 18.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the City.

1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, 10 feet.

2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:

Right of way Width	Clear vision
80 feet or more	20 feet
Less than 80 feet	30 feet

Figure 15.88-1. Clear Vision Areas



FINDING: Clear vision standards be provided for through the development of the Subdivision. Proposed street trees will be omitted in these areas. This standard is typically imposed as an ongoing condition of approval for a tentative plan. Fencing, utilities, landscaping, and other above ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.

A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade. Construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction.

Existing vegetation at the Wheeler Road and Finley Butte Intersection shall be trimmed to provide clear vision per City of La Pine and AASHTO standards.

No above ground equipment shall obstruct vision clearance areas for vehicular traffic.

15.88.050 Pedestrian Access and Circulation

- A. Purpose and Intent.** This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards.** New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:
- a. Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 - b. Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
 - i.** The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of- direction travel.
 - ii.** The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 - iii.** Vehicle/Walkway Separation. Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
 - iv.** Crosswalks. Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver- visibility of pedestrians.
 - v.** Walkway Construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the City may require five- foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.

- vi. **Multi-Use Pathways.** Multi-use pathways, where approved, shall be 10 feet wide and constructed of asphalt, concrete or other City-approved durable surface meeting ADA requirements consistent with the applicable City engineering standards.

FINDING: The Applicant stated in the submitted narrative, "Applicant Response: As documented on the Plan Set, the planned pedestrian system connects the entire area to the surrounding right of way and/or property to the north, south, east and west...The walkway system generally follows the grid right of way system. Overall, the walkway system does not deviate unnecessarily from straight lines, in conformance with this section. The walkway system is proposed to be constructed of asphalt and concrete, which is a durable surface that can meet ADA requirements." Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.

Article 5. Development Standards

- **Chapter 15.90 Public Facilities**

15.90.020 Developer Responsibility for Streets and Other Public Facilities

- A. Duties of developer.** It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.
- B. Over-Sizing.** The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, and the City may authorize other cost-recovery or cost-sharing methods as provided under state law.

FINDING: The Applicant stated in the submitted narrative, "As directed by City Staff, the proposal provides 8-inch water and sewer mains throughout the development site. The water and sewer main sizes are City Standard size, and are sufficient to serve the development (and accommodate other/further development in the area)." Sewer mains and sewer infrastructure shall be constructed in accordance with City of La Pine Public Works Standards. Sewer main lines shall be minimum 8" diameter.

- C. Inadequate existing streets.** Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required.
- D. Half streets.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of a proposed land development, and when the City finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.

FINDING: The Applicant is not proposing half streets.

15.90.030 Sewer and Water

- A. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the Public Works Director has approved all sanitary sewer and water plans in conformance with City standards.

FINDING: Every lot must be served by a septic tank. Tanks shall be sized according to flow per criteria published in OAR 340-71-220(3). Minimum tank capacity shall be 1000 gal. Septic tanks shall remain the property of the landowner and shall be maintained and pumped by the landowner.

Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

All construction, landscaping and utility plans shall be reviewed and approved by the City Engineer and Public Works Manager. Permits for sewer and water improvements will not be issued until the Public Works Director has approved all sanitary sewer and water plans for conformance with City standards.

- B. Inadequate Facilities.** Development permits may be restricted or rationed by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The City may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.

FINDING: Per the City Engineer, the Industrial Park lift station is nearing capacity and will require a replacement to provide capacity to development in the project area. The cost to replace the Industrial Park Lift station is \$637,000. The total number of Equivalent Dwelling Units anticipated at build out in the basin are 1,120. Therefore, the development shall contribute \$568.75 for each EDU toward a fund for replacement of the Industrial Park lift station. This fee must be submitted prior to release of building permits.

The developer, applicant or builder shall contribute \$568.75 per EDU toward a fund for replacement of the Industrial Park lift station.

15.90.040 Stormwater

- A. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.
- B. Effect on Downstream Drainage.** Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

FINDING: The Applicant stated in their submitted narrative, "The street and walkway designs, including the stormwater management therein, will accommodate all existing and future run-off and will be review

by the City Engineer prior to construction.” Grading and drainage plans and stormwater calculations shall be submitted to the City Engineer for review and approval for compliance with this standard, City Public Works standards and any other applicable standard.

15.90.050 Utilities

A. General Provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.

FINDING: The Applicant has coordinated with all utility providers and has confirmation that they can serve the new lots. All necessary public utility easements for franchise utilities shall be determined in coordination with franchise utility companies and shall be dedicated on the final plat.

B. Underground Utilities. All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

FINDING: The Applicant has stated that all new utilities are planned to be extended underground, in conformance with these standards. Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. Subdivisions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:

- a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.
- b. The City reserves the right to approve the location of all surface-mounted facilities.
- c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
- d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

FINDING: The Applicant stated in their submitted narrative, “The applicant has coordinated with utility providers and plans to extend services underground. The applicant understands that the City reserves the right to approve the location of any surface mounted facilities.” Criteria satisfied.

D. Exception to Undergrounding Requirement. The City may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.

FINDING: An exception to the undergrounding standard is not anticipated by the applicant and has not been requested.

15.90.060 Public Street/Highway Improvement

The following public streets and highway improvement activities are permitted outright in all zones and are exempt from the permit requirements of this Code.

- A. Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.
- B. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.
- C. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.
- D. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations, waysides, and, rest areas within a right-of-way existing as of the effective date of this Code. In addition, also exempt are contiguous public-owned property utilized to support the operation and maintenance of public roads and highways provided such is not located within a duly designated Residential Zone, or adjacent to or across the street from a lot or parcel within such a zone.
- E. The construction, reconstruction, or modification of a public street or highway that is identified as a priority project in a transportation system plan (TSP) or the State Transportation Improvement Plan (STIP) that was duly adopted on or before the effective date of this chapter.
- F. The design, construction, operation, and maintenance of a tourist-oriented or public wayside.

FINDING: Items 15.90.060 (A) through (F) are not applicable to the proposed Subdivision.

15.90.070 Design of Streets and Other Public Facilities

- A. **Traffic circulation system.** The overall street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic circulation system within the land division, and as such system and traffic generated there from affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.

FINDING: The Applicant stated in the submitted narrative, “The submittal packet is supported by a Traffic Impact Analysis that has been prepared by Transight Consulting, LLC. The Traffic Report considered traffic generated from the entire development and found that the proposal, with planned improvements, can conform to City Standards, if suggested recommendations are met. The location, width and grade of the streets are consistent with the development code and in proper relationship with the surrounding properties and developed rights of way. The proposed design ensures added convenience and safety to the surrounding properties and the community at-large. The proposal including planned improvements will ensure conformance with this standard.” Criteria satisfied.

- B. **Street location and pattern.** The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:

- a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- b. Conform to a plan for the general area of the development approved by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and
- c. Conform to the adopted La Pine Transportation System Plan as may be amended.

FINDING: The Applicant stated in the submitted narrative, “As documented on the Site Plan, the proposed street configuration carries out the intent of the development code. The design extends Wheeler Road as a north/south Collector, Little Crater Drive, Neil Lane and Harold Avenue as primary east/west local streets and pedestrian routes that connect to the collectors. The design conforms to the La Pine Transportation System Plan and the topography that exists on the site.” Criteria satisfied.

C. Access Ways. The City, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than 10 feet wide and shall contain a minimum six-foot-wide paved surface or other all-weather surface approved by the City. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.

FINDING: No cul-de-sacs are proposed. All proposed streets are designed for connectivity. Access ways as described in this standard are not applicable to the proposed subdivision.

D. Future street extensions. Where necessary to give access to or permit future subdivision or development of adjoining land, streets shall be extended to the boundary of the proposed development or subdivision. Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is not binding, but is intended to show potential future street extensions with future development. The plan must demonstrate, pursuant to City standards, that the proposed development does not preclude future street connections to adjacent development land. Wherever appropriate, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, as the City deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

FINDING: Fire hydrants shall be installed at a minimum of 400 foot average spacing. All fire hydrants shall include 6’x6’ concrete pad, 4 bollards, and snow flag, painted safety yellow per City of La Pine standards. The Applicant did not submit a future street plan in conjunction with the application, as required by this section.

E. Minimum right-of-way and roadway widths. Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths in feet set forth in the La Pine Transportation System Plan, and shall be constructed in conformance with applicable standards and specifications set forth by the city.

FINDING: Below is Table 4-4 excerpted from page 61 and cross sections from pages 64-65 of the La Pine TSP identifying Roadway Cross-Section Standards:

Roadway Cross Section Standards

Table 4-4 presents the dimensional standards for the five proposed functional classifications in La Pine.

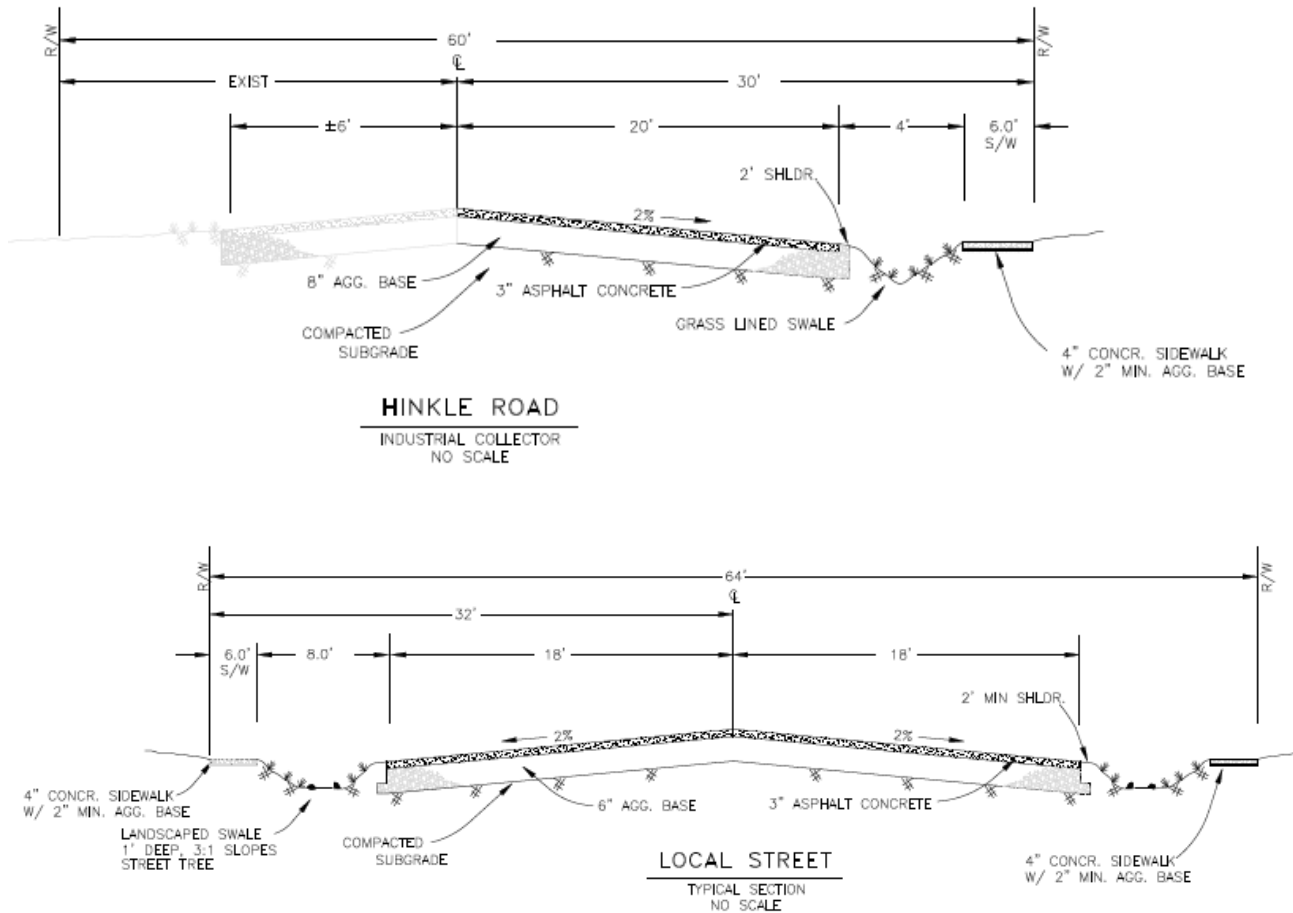
Functional Classification	Features/Dimensions (Each Direction)					Left Turn Lane/ Median	Total Paved Width	Total Right-of-Way Width
	Travel Lane	Bike Lane	On-Street Parking	Sidewalk	Planter Strip			
Arterial	12'	6'	None	6'	8'	Left-Turn Lanes, 14'	36' to 50'	78'
Major Collector	11'	6' ¹	7' ²	6'	8'	None	34 ¹ -48'	76'
Local Street	11'	None	7'	6'	8'	None	36'	64'
Downtown Arterial	12'	6'	Optional, 7'	8'	8'	Optional Landscaped Median, 14'	50'	82'
Minor Collector	11'	6'	None	6'	8'	None	34'	62'
Industrial Collector	14'	6'	None	6'	None	None	40'	52'

¹ On low volume, low speed (>30 mph) facilities, alternative bicycle facilities can be considered at the discretion of the City

² On-street parking provide adjacent to commercially zoned properties

Table 4-4 Roadway Cross-Section Standards





The Applicant stated in their submitted narrative, "Walling Lane is proposed as a 32 foot wide right-of-way dedication, half of a 64 foot wide right-of-way dedication, in accordance with the City of La Pine TSP. Wheeler Road is proposed as a 60 foot right-of-way to match the adjoining right-of-way width of Wheeler Road, previously established as a 60 foot wide right-of-way. Little Crater Drive is proposed as a half street along the boundary of tax lot 221014DB00300, however the half street right-of-way has been expanded to 50 feet, rather than 32 feet, to accommodate full width pavement improvements, since no adjoining right of way dedication has yet been made on tax lot 221014DB00300. In order to preserve lot depths affected by the oversized 50 foot half street dedication on Little Crater Drive, both Neil Lane and Harold Avenue are proposed as 60 foot right of ways, rather than 64 feet. The total right-of-way widths of these three east-west streets (Little Crater, Neil, Harold) is then 170 feet, which exceeds the total cumulative TSP specified right-of-way width of 160 feet."

F. Sidewalks. Unless otherwise required in this chapter or other city ordinances or other regulations, or as otherwise approved by the Commission, sidewalks shall be required as specified in the La Pine Transportation System Plan. In lieu of these requirements, however, the City may approve a development without sidewalks if alternative pedestrian routes and facilities are provided.

FINDING: The Applicant has indicated in the Burden of Proof that sidewalks are proposed along all streets. Accessible crossings must be provided at all intersections within the subdivision.

G. Bike lanes. Unless otherwise required in this chapter or other city ordinances or other regulations, bike lanes shall be required as specified in the La Pine Transportation System Plan, except that the

Planning Commission may approve a development without bike lanes if it is found that the requirement is not appropriate to or necessary for the extension of bicycle routes, existing or planned, and may also approve a development without bike lanes in the streets if alternative bicycle routes and facilities are provided.

FINDING: Bike lanes are not required on the new local streets per the La Pine Transportation System Plan (Table 4-4 above), as cyclists can use the roadway surface of the proposed local street network.

H. Cul-de-sacs. A cul-de-sac street shall only be used where the City determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a cul-de-sac is allowed, all of the following standards shall be met:

- a. The cul-de-sac shall not exceed a length of 400 feet, except where the City through a Type II procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
- b. A cul-de-sac shall terminate with a circular turn around with a minimum radius of 45 feet of paved driving surface and a 50 foot right-of-way and meeting the Uniform Fire Code.
- c. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.

FINDING: The proposal does not include any cul-de-sacs. Criterion doesn't apply.

I. Marginal access streets. Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen-plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.

FINDING: The subject property does not contain any arterial streets. This criterion does not apply.

J. Streets adjacent to railroad right-of-way. Whenever a proposed land development contains or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to the ROW at a distance suitable for the appropriate use of land between the street and the ROW. The distance shall be determined with consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting or other separation requirements along the ROW.

FINDING: Standards in 15.90.070 (J) are not applicable to the proposed subdivision.

K. Reserve Strips. Reserve strips or street plugs controlling access to streets will not be approved unless deemed necessary for the protection of public safety and welfare and may be used in the case of a dead-end street planned for future extension, and in the case of a half street planned for future development as a standard, full street.

FINDING: Reserve strips or street plugs have not been proposed.

L. Alignment. All streets, as far as practicable, shall be in alignment with existing streets by continuations of the centerlines thereof. Necessary staggered street alignment resulting in intersections shall, wherever possible, leave a minimum distance of 200 feet between the center lines of streets of approximately the same direction, and in no case shall the off-set be less than 100 feet.

FINDING: The Applicant stated in their submitted narrative, "As documented on the Plan Set, all new streets that intersect with the existing street grid include extensions that align with the centerlines of the existing streets." Criteria satisfied.

M. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the City Engineer or other duly designated City representative as applicable. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.

FINDING: Proposed streets intersect at right angles, in compliance with this criterion.

N. Curves. Centerline radii of curves should not be less than 500 feet on major arterials, 300 feet on minor arterials, 200 feet on collectors or 100 feet on other streets and shall be on an even ten feet. Where existing conditions, particularly topography, make it otherwise impractical to provide building sites, the City may accept steeper grades and sharper curves than provided for herein in this subsection.

O. Street grades. Street grades shall not exceed 8% on arterials, 10% on collectors and 12% on all other streets including private driveways entering upon a public street or highway; however, for streets at intersections, and for driveways entering upon a public street or highway, there should be a distance of three or more car lengths (approximately 50 feet) where the grade should not exceed 6% to provide for proper stopping distance during inclement weather conditions.

P. Street names. Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance. Such street names shall be approved by the Deschutes County street name coordinator.

Q. Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.

R. Traffic control signs. Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.

FINDING: The Applicant has indicated in the Burden of Proof that it is their responsibility to provide and install any required traffic control signs.

S. Alleys. Alleys are not necessary in residential developments, but may be required in commercial and industrial developments unless other permanent provisions for access to off-street parking and loading facilities are approved by the city.

FINDING: The subdivision does not proposed alleys.

T. Curbs. Curbs shall be required on all streets in all developments, and shall be installed by the developer in accordance with standards set forth by the city unless otherwise approved by the city. Approval of streets without curbs shall be at the discretion of the City Engineer, and shall be so determined during the tentative plan land division review process on the basis of special circumstances to the development.

FINDING: The Applicant stated in the submitted narrative, "The streets are proposed with a similar design to other developments in the area. As documented on the Street Cross Sections, the street designs do not include curbs, but rather asphalt, abutted by an infiltration swale and walkways. This section allows the design without curbs to be approved by the City Engineer." Staff approves the use of asphalt abutted by an infiltration swale and walkways as opposed to curbs. Slurry seal shall be provided on Wheeler Road between Finley Butte Road and the north boundary of the subject property to prevent further deterioration to the Wheeler Road surface.

U. Street lights. Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Streets lights, if required, shall include one (1) fixture and be located at the intersection of streets.

FINDING: Street lights shall be installed and provided at the following locations: Intersections, Mid-block for blocks longer than 400 feet from center of intersection to center of intersection. Poles and fixtures shall conform to the power provider standards. Standard Mid State Electric head fixtures shall be used.

V. Utilities. The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.

FINDING: Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

W. Drainage facilities. Drainage facilities shall be provided as required by the City in accordance with all applicable City and Oregon Department of Environmental Quality standards.

FINDING: The Applicant notes that the proposed drainage swales will be in accordance with applicable standards.

X. Gates. Except where approved as part of a Master Planned Development, private streets and gated drives serving more than two dwellings (i.e., where a gate limits access to a development from a public street), are prohibited.

FINDING: Gates are not proposed as part of the subdivision.

15.90.080 Traffic Impact Analysis

A. Purpose. The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation

Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.

B. When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:

- a. A change in zoning or a plan amendment designation;
- b. Operational or safety concerns documented in writing by a road authority;
- c. An increase in site traffic volume generation by [300] Average Daily Trips (ADT) or more;
- d. An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;
- e. An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;
- f. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
- g. A change in internal traffic patterns that may cause safety concerns; or
- h. A TIA required by ODOT pursuant to OAR 734-051.

C. Traffic Impact Analysis Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.

FINDING: The Applicant stated in their submitted narrative, “The proposal results in more than 300 new ADT and therefore requires a TIA. The submittal packet is supported by a Traffic Impact Analysis that has been prepared by Transight Consulting, LLC. The Traffic Report considered traffic generated from the entire development and found that the proposal, with planned improvements, can conform to City Standards, if suggested recommendations are met.”

D. Waiver or Deferral. The City may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (1) through (4) is met. Where the City agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.

- a. The standard improvement conflicts with an adopted capital improvement plan.
- b. The standard improvement would create a safety hazard.

- c. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.
- d. The improvement under consideration is part of an approved partition in the [RL or RM] and the proposed partition does not create any new street.

FINDING: Applicant does not propose deferral of street improvements. These criteria do not apply.

Article 5. Development Standards

- **Chapter 15.92 Additional Standards for Land Divisions**

15.92.010 Lots and Blocks.

A. Blocks. The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.

1. No block shall be more than 660 feet in length between street corner lines with a maximum 1,400-foot perimeter unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.
2. The recommended minimum length of a block along an arterial street is 1,260 feet.
3. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.

FINDING: The Applicant stated in the submitted narrative, "As documented on the Plan Set, the proposal provides a complete neighborhood with complete blocks. No new block is greater than 660 feet in length of 1,400 feet in perimeter and the blocks provide to 2 tiers of lots." Criteria satisfied.

B. Lots. The resulting or proposed size, width shape and orientation of building lots shall be appropriate for the type of development, and consistent with the applicable zoning and topographical conditions, specifically as lot sizes are so designated for each zoning district in the City of La Pine Development Code.

FINDING: The proposed lot size, shape and orientation are appropriate for the intended residential development and are consistent with the RSF Zone. There are no topographical constraints imposed by the terrain of the subject property as the entire site is relatively featureless and flat. As such, this criterion is satisfied.

C. Access. Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise provided for in this Code (e.g., for townhomes). For lots fronting on a curvilinear street or cul-de-sac, the City may approve a reduced width, but in no case shall a width of less than 35 feet be approved.

FINDING: All proposed lots will abut a public street for a width in excess of 50 feet. This standard is met.

D. Side lot lines. The side lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they front; except that on curved streets they shall be radial to the curve.

FINDING: The Applicant has indicated in the Burden of Proof that all lots are at right angles to the street that they front on. Criterion satisfied.

E. Division by boundary, ROW and drainage ways. No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services, except as approved otherwise.

FINDING: The submitted Tentative Plan does not propose a division by boundary, ROW or drainage way.

F. Grading, cutting and filling of building lots or sites. Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby.

- a. Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.
- b. Cut slopes shall not exceed one foot vertically to one and one-half feet horizontally.
- c. Fill slopes shall not exceed one foot vertically to two feet horizontally.
- d. Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.
 - i. The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.
 - ii. The Planning Commission shall hold a public hearing on the matter in conformance with the requirements for a Conditional Use permit, however, such may be included within the initial hearing process on the proposed development.
 - iii. The Planning Commission's decision on the proposal shall be based on the following considerations.
 1. That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.
 2. That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.

3. That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.
4. That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.

FINDING: The subject property is relatively flat, and no significant cut or fill are proposed. The Applicant notes that grading for infrastructure installation associated with preparation for development of the proposed lots can comply with these requirements. These provisions can be reviewed in detail for conformance as applicable to Building Codes during the building permit review process.

G. Through or double-frontage lots and parcels. Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential development and to avoid direct vehicular access from major traffic arterials or collectors, and from adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. When through or double-frontage lots or parcels are desirable or deemed necessary, a planting screen easement of at least four to six feet in width, and across which there shall be no right of vehicular access, may be required along the line of building sites abutting such a traffic way or other incompatible uses.

FINDING: Through or double-frontage lots are not proposed as part of the subdivision.

H. Special building setback lines. If special building setback lines, in addition to those required by the applicable zoning, are to be established in a development, they shall be shown on the final plat of the development and included in the deed restrictions.

FINDING: Special building setback lines are not proposed as part of the subdivision. Lots shall comply with coverage and setback requirements (or applicant shall receive approved variances for such).

I. Large building lots; redivision. In the case where lots or parcels are of a size and shape that future redivision is likely or possible, the City may require that the blocks be of a size and shape so that they may be redivided into building sites as intended by the underlying zone. The development approval and site restrictions may require provisions for the extension and opening of streets at intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.

FINDING: This standard is not applicable as the subdivision does not include large lots where future redivision is likely or possible.

15.92.020 Easements

A. Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 10 feet wide and centered on a rear and/or side lot line unless approved otherwise by the City. Utility pole tie-back easements may be reduced to 5 feet in width.

FINDING: The submitted tentative plan is generally designed with lots large enough to accommodate utility easements in accordance with this section.

B. Water courses. If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as deemed necessary.

FINDING: The applicant notes in their burden of proof that no watercourses traverse the subject properties. As such, this standard is not applicable.

C. Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum 5-foot wide paved or other suitable surface will be required.

FINDING: The proposal includes sidewalks to accommodate pedestrians. Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.

D. Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Public Works Department and/or Water and Sewer District.

FINDING: The Applicant stated in the submitted narrative, "Water and sewer mains are proposed within the existing and new rights of way. Additional easements (for crossing private property) are not anticipated. However if, through design, it is determined that easements are necessary, the applicant understands that the provisions of this section would apply." Sewer shall be connected to the Wheeler main line and shall not connect to the Walling main line.

15.92.030 Land for Public Purposes

- A.** If the City has an interest in acquiring a portion of a proposed development for a public purpose, it shall notify the property owner as soon as the City Council authorizes the transaction to proceed.
- B.** Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than 5% of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined to be suitable for the park and/or recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.
- C.** In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.
- D.** If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required.

FINDING: Public right of way shall be dedicated to the public, as proposed on the submitted site plan, on the final subdivision plat.

- E. If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to public uses such as streets, water or sewer system facilities and the like, then the requirements of this subsection shall be reduced so that the total obligation of the developer to the public does not exceed 30%.

FINDING: The proposed subdivision does not appear to meet the 30% threshold.

Article 5. Development Standards

- **Chapter 15.94 Improvement Procedures and Guarantees**

15.94.010 Improvement Procedures

Improvements to be installed by the developer, either as a requirement of this chapter, conditions of approval or at the developer's option as proposed as a part of the subject development proposal, shall conform to the following requirements.

- A. Plan review and approval.** Improvement work shall not be commenced until plans therefore have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the expense of the developer.
- B. Modification.** Improvement work shall not commence until after the City has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the City is notified and approval thereof granted.
- C. Improvements as platted.** Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the City.
- D. Inspection.** Improvement work shall be constructed under the inspection and approval of an inspector designated by the City, and the expenses incurred therefore shall be borne by the developer. Fees established by the City Council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.
- E. Utilities.** Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets.
- F. As built plans.** As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the City upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.

FINDING: As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the City upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the

developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements. As Builts shall be submitted on a coordinate system recognized by the State of Oregon or on the Deschutes County Coordinate System.

15.94.020 Completion or Assurance of Improvements

- A. Agreement for improvements.** Prior to final plat approval for a subdivision, partition, PUD or other land development, or the final approval of a land use or development pursuant to applicable zoning provisions, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the City an agreement between him/herself and the City specifying the period in which improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, that the City may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the City for the cost of inspection and other engineer services directly attributed to the project.
- B. Bond or other performance assurance.** The developer shall file with the agreement, to assure his/her full and faithful performance thereof, one of the following, pursuant to approval of the City Attorney and City Manager, and approval and acceptance by the City Council.
- a. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 - b. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
 - c. Cash deposit.
 - d. Such other security as may be approved and deemed necessary by the City Council to adequately assure completion of the required improvements.
- C. Amount of security required.** The assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20% for contingencies.
- D. Default status.** If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the City shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the City, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.

FINDING: The Applicant plans to install and construct all required infrastructure improvement as required. For informational purposes, and as approved by the City Engineer, public improvements must be constructed prior to final plat, or an approved performance assurance mechanism and associated improvement agreement with specific construction times outlined, may be filed with the City for construction of items not necessary for safety or required connectivity. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020.

15.94.030 Building and Occupancy Permits

- A. Building permits.** No building permits shall be issued upon lots to receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the City, with the service connections fees paid, and accepted by the City.
- B. Sale or occupancy.** All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the City, and accepted by the City Council, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision, partitioning, PUD or other development.

FINDING: These shall be a Condition of Approval. Prior to issuance of building permits or sale/occupancy of any lot, all lots shall be served by sewer and water service and streets shall be constructed/improved as required by this decision and approval of construction plans by the City Engineer.

15.94.040 Maintenance Surety Bond

Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the City will require a one-year maintenance surety bond in an amount not to exceed 20% of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

FINDING: This is a recommended Condition of Approval. Prior to sale and/or occupancy of any lot and as a condition of acceptance of the improvements, the Applicant shall submit to the City a one-year maintenance surety bond in an amount not to exceed 20% of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

15.94.050 Engineering/Special Services for Review

With regard to any development proposal for which the City deems it necessary to contract for engineering and/or other special technical services for the review thereof or for the design of facility expansions to serve the development, the developer may be required to pay all or part of the special services. In such cases, the choice of the contract service provider shall be at the discretion of the City, and the service provider shall perform the necessary services at the direction of the City. The costs for the services shall be determined reasonable, and an estimate of the costs shall be provided to the developer prior to contracting therefore.

FINDING: While this need is not anticipated, the applicant acknowledges the possibility of the provisions of this section in their Burden of Proof.

Article 7. Procedures

- **Chapter 15.204 Application Procedures**

15.204.030 Type III Procedure (Quasi-Judicial Review – Public Hearing)

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. Except that prior to becoming effective, all quasi-judicial Comprehensive Plan amendments and Zone changes shall be adopted by the City Council. In considering all quasi-judicial

Comprehensive Plan amendments and Zone changes on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

A. Application Requirements.

- a. Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.
- b. Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
 - i.** The information requested on the application form;
 - ii.** Plans and exhibits required for the specific approval(s) being sought;
 - iii.** A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
 - iv.** Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
 - v.** The required fee; and
 - vi.** Evidence of neighborhood contact, as applicable, pursuant to Section 15.202.050.

FINDING: The Applicant submitted an application, Tentative Plan, Burden of Proof, fee, and supporting materials required for Type III review of a Preliminary Plat for a Subdivision. The application requirements were met.

B. Mailed and Posted Notice of a Public Hearing.

- a.** The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. However, the failure of a property owner to receive mailed notice shall not invalidate any land use approval if the Planning Official can show by affidavit that such notice was given. Notice shall be mailed to:
 - i.** The applicant;
 - ii.** Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;
 - iii.** The owner of a public use airport if the airport is located within 10,000 feet of the subject property;

- iv. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park;
 - v. The Planning Commission;
 - vi. Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site;
 - vii. Any person who submits a written request to receive a notice; and
 - viii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of La Pine. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
- b. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 10 days prior to the hearing
 - c. At least 14 days before the first hearing, the City shall post notice of the hearing on the project site in clear view from a public right-of-way.
 - d. Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:
 - i. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
 - ii. The date, time, and location of the scheduled hearing;
 - iii. The street address or other clear reference to the location of the proposed use or development;
 - iv. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
 - v. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;
 - vi. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
 - vii. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

- viii. A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

FINDING: Notice of the public hearing was sent to neighbors within 100 feet and to the City's agency notification list on 12/29/21. The notice followed the City's standard notice format for a quasi-judicial land use application and included the above required elements. Notice was posted on site and the in the local paper (Wise Buys) in compliance with these requirements.

C. Setting the hearing.

- A. After an application is deemed accepted a hearing date shall be set. A hearing date may be changed by the City staff, or the Hearings Body up until the time notice of the hearing is mailed. Once the notice of hearing is mailed any changes in the hearing date shall be processed as a continuance in accordance with Subsection G.
- B. If an applicant requests that a hearing date be changed, such request shall be granted only if the applicant agrees that the extended time period for the hearing shall not count against the 120-day time limit set forth in Section 15.202.020.

FINDING: The hearing date was set for January 19, 2022. Continuances may be allowed in accordance with subsection (G) below.

D. Ex Parte Contact, Personal Knowledge and Bias.

- a. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the parties in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

Prior to making a decision, the Hearings Body or any member thereof shall not communicate directly or indirectly with any party or his representative in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication whether written or oral occur, the Hearings Body member shall:

- i. Publicly announce for the record the substance of such communication; and
 - ii. Announce the parties' right to rebut the substance of the ex parte communication during the hearing. Communication between City staff and the Hearings Body shall not be considered to be an ex parte contact.
- b. If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall

state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record. For the purposes of this section, a site visit by the Hearings Body shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to allow for rebuttal by the parties.

- c. Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudgment or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw or make a statement on the record of its capacity to hear.

FINDING: The City Council will host a hearing in accordance with these standards and will follow standard procedures, including disclosure of ex parte contact, personal knowledge and bias.

E. Conduct of a Quasi-Judicial Public Hearing. A hearing shall be conducted as follows:

- a. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
- b. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.
- c. Any facts received, noticed or recognized outside of the hearing shall be stated for the record.
- d. Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.
- e. The Hearings Body shall list applicable substantive criteria, explain that testimony and evidence must be directed toward that criteria or other criteria in the comprehensive plan or land use regulations that the person believes to apply to the decision, and that failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes appeal to LUBA based on that issue.
- f. Order of presentation:
 1. Open the hearing.
 2. Staff report.
 3. Proponents' presentation.
 4. Opponents' presentation.
 5. Proponents' rebuttal.
 6. Opponents' rebuttal may be allowed at the Hearings Body's discretion.
 7. Staff comment.
 8. Questions from or to the chair may be entertained at any time at the Hearings Body's discretion.
 9. Close the hearing.
- g. The record shall be available for public review at the hearing.

- h. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the record.
- i. Throughout all local land use proceedings, the burden of proof rests on the applicant.
- j. Any interested person may appear and be heard in a land use action hearing, except that in appeals heard on the record, a person must have participated in a previous hearing on the subject application. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition shall not be considered a party.

FINDING: These hearing procedures will be followed.

F. Close of the record.

- a. Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.
- b. If the hearing is continued or the record is held open under Subsection G, further evidence or testimony shall be taken only in accordance with the provisions of Subsection G.
- c. Otherwise, further testimony or evidence will be allowed only if the record is reopened under Subsection H.
- d. An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 120-day time limit for decision.

G. Continuances or record extensions.

- a. Grounds.
 - i. Prior to the date set for an initial hearing, an applicant shall receive a continuance upon any request if accompanied by a corresponding suspension of the 120 day limit for decision. If a continuance request is made after the published or mailed notice has been provided by the City, the Hearings Body shall take evidence at the scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.
 - ii. Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances:
 - i. Where additional documents or evidence are submitted by any party; or
 - ii. Upon a party's request made prior to the close of the hearing for time to present additional evidence or testimony.

For the purposes of subsection (i), "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.

- iii. The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.

b. Continuances.

- i. If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.
- ii. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.
- iii. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.

- c. Leaving record open. If at the conclusion of the hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

- d. A continuance or record extension granted ... shall be subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 120-day time limit is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

H. Reopening the record.

A. The Hearings Body may at its discretion reopen the record, either upon request or on its own initiative. The Hearings Body shall not reopen the record at the request of an applicant unless the applicant has agreed in writing to a suspension of the 120-day time limit.

B. Procedures.

1. Except as otherwise provided for in this section, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record shall be at the discretion at the Hearings Body.
2. The Hearings Body shall give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties shall be allowed to raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.

FINDING: The procedures for closing the record, continuing the record, and reopening the record will be followed.

- I. Notice of Quasi-Judicial Decision.** A Hearings Body's decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants. The Notice of Quasi- Judicial Decision shall contain all of the following information:
- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the record;
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
 - c. A statement of where the City's decision can be obtained;
 - d. The date the decision shall become final, unless appealed; and
 - e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to Subsection K or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

FINDING: Notice of the City Council Decision will be mailed in accordance with these procedures.

- J. Effective Date of Decision.** Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to Subsection K or unless the decision is called up for review by the City Council pursuant to Section 15.204.020(G). No building permit shall be issued until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision at the local level for purposes of issuing building permits, but any development that occurs during the pendency of appeals beyond the local level are at the sole risk of the applicant and the City may require execution of an instrument acknowledging such fact prior to issuance of any building permits.

FINDING: In accordance with this requirement, the effective date of the City Council Decision will be 12 days after the City mails the Decision notice, unless an Appeal is filed in accordance with Subsection K. No building permits will be issued until the Decision is final.

- K. Appeal of Planning Commission Decision.** The Planning Commission's decision may be appealed to the City Council as follows:
- a. Who may appeal. The following people have legal standing to appeal:
 - i. The applicant or owner of the subject property; and
 - ii. Any other person who testified orally or in writing during the subject public hearing before the close of the record.
 - b. Appeal filing procedure. Appeals shall be filed in accordance with Chapter 15.212.

FINDING: If the decision is appealed, these procedures must be followed.

Article 9. Land Divisions

- **Chapter 15.402 General Provisions**

15.402.010 Purpose

It is the purpose of this Article 9, in accordance with the provisions of ORS Chapters 92 and 227, to provide for minimum standards governing the approval of land divisions, including subdivisions and land partitions, as necessary to carry out the needs and policies for adequate traffic movement, water supply, sewage disposal, drainage and other community facilities, to improve land records and boundary monumentation and to ensure equitable processing of subdivision, partitioning and other land division activities within the city and the surrounding urban area.

15.402.020 Applicability

No person may subdivide, partition or otherwise divide land, or create a planned unit or cluster development, or create a street for the purpose of developing land except in accordance with the provisions of this Article 9, this chapter and ORS Chapters 92.012 and 277.100.

FINDING: The submitted application is for a Tentative Plan for a subdivision and is subject to the subdivision requirements and criteria of Article 9.

Article 9. Land Divisions

- **Chapter 15.406 Subdivisions and Planned Unit Developments (PUD)**

15.406.010 Subdivision Applications

A. Application. Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the City. The application shall be accompanied with either an outline development plan as provided for in division (B) of this section, or a tentative plan as set forth in division (C) of this section, together with improvement plans and other supplementary material as may be required, and the materials required for the applicable review type as specified in Article 7. The number of copies required shall be as specified on the application form. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.

B. Outline development plan. The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth below.

...

FINDING: The Applicant chose to skip the step of submitting an outline plan and instead submitted a tentative plan, as allowed by this section.

C. Tentative plan required. Following or in conjunction with submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application, any person proposing a subdivision shall submit a tentative plan together with the accompanying information and supplemental data, prepared and submitted in accordance with the provisions of this section and materials required for a Type III review as specified in Article 7. (ORS 92.040). Note: Applicants

should review the design standards set forth in Article 5 prior to preparing a tentative plan for a development.

- a. Scale of tentative plan.** The tentative plan of a proposed subdivision shall be drawn on a sheet 18 by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the Planning Official. (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper measuring 8 1/2 inches by 11 inches or 11 inches by 17 inches shall be provided for public notice requirements.
- b. Information requirements.** The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered complete, unless all such information is provided unless approved otherwise by the Planning Official.

- i. General information required.**

- 1. Proposed name of the subdivision.
- 2. Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, and surveyor and any assumed business names filed or to be filed by the owner or subdivider in connection with the development.
- 3. Date of preparation, north point, scale and gross area of the development.
- 4. Identification of the drawing as a tentative plan for a subdivision.
- 5. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

- ii. Information concerning existing conditions.**

- 1. Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed development.
- 2. Location of any existing features such as section lines, section corners, city and special district boundaries and survey monuments.
- 3. Location of existing structures, fences, irrigation canals and ditches, pipelines, waterways, railroads and natural features, such as rock outcroppings, marshes, wetlands, geological features and natural hazards.
- 4. Location and direction of water courses, and the location of areas subject to erosion, high water tables, and storm water runoff and flooding
- 5. Location, width and use or purpose of any existing easements or rights-of-way within and adjacent to the proposed development.

6. Existing and proposed sewer lines, water mains, culverts and underground or overhead utilities within and adjacent to the proposed development, together with pipe sizes, grades and locations.
7. Contour lines related to some established bench mark or other acceptable datum and having minimum intervals of not more than 20 feet.

iii. Information concerning proposed subdivision.

1. Location, names, width, typical improvements, cross-sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.
2. Location, width and purpose of all proposed easements or rights-of-way, and the relationship to all existing easements or rights-of-way.
3. Location of at least one temporary benchmark within the proposed subdivision boundary.
4. Location, approximate area and dimensions of each lot and proposed lot and block numbers.
5. Location, approximate area and dimensions of any lot or area proposed for public, community or common use, including park or other recreation areas, and the use proposed and plans for improvements or development thereof.
6. Proposed use, location, area and dimensions of any lot which is intended for nonresidential use and the use designated thereof.
7. An outline of the area proposed for partial recording on a final plat if phased development and recording is contemplated or proposed.
8. Source, method and preliminary plans for domestic water supply, sewage disposal, solid waste collection and disposal and all utilities.
9. Stormwater and other drainage plans.

FINDING: This application is for approval of a Tentative Plan for a subdivision on a vacant and undeveloped parcel with little to no existing infrastructure or features. Any information for which the City needs additional details is noted as a recommended condition of approval.

D. Master development plan required. An overall master development plan shall be submitted for all developments planning to utilize phase or unit development. The plan shall include, but not be limited to, the following elements.

- a. Overall development plan, including phase or unit sequences and the planned development schedule thereof.
- b. Schedule of improvements initiation and completion.
- c. Sales program timetable projection.

- d. Development plans of any common elements or facilities.
- e. Financing plan for all improvements.

FINDING: The proposal is not for phased development. Criteria do not apply.

E. Supplemental information required. The following supplemental information shall be submitted with the tentative plan for a subdivision.

- f. Proposed deed restrictions or protective covenants, if such are proposed to be utilized for the proposed development.

FINDING: The Applicant has indicated in their Burden of Proof that draft CC&Rs will be provided prior to Final Plat of the development. Criteria satisfied.

- g. Reasons and justifications for any variances or exceptions proposed or requested to the provisions of this subchapter, the applicable zoning regulations or any other applicable local, state or federal ordinance, rule or regulation.

FINDING: The Applicant is not requesting any variances or exceptions at this time.

F. Tentative plan review procedures.

- a. Tentative plan review shall follow the Type III review procedures in Article 7.
- b. The decision on a tentative plat shall be set forth in a written decision, and in the case of approval shall be noted on not less than two copies of the tentative plan, including references to any attached documents setting forth specific conditions.

FINDING: The tentative plan review is following the Type III review procedures in Article 7. Following a hearing, the City Council will decide on the proposal and will issue a written Decision in accordance with this requirement.

G. Tentative approval relative to final plan. Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision for recording. However, approval of the tentative plan shall be binding upon the city for preparation of the final plat and the city may require only such changes as are deemed necessary for compliance with the terms of its approval of the tentative plan.

H. Resubmission of denied tentative plan. Resubmittal shall be considered a new filing, but shall require the applicant to consider all items for which the prior denial was based, in addition to the other filing requirements set forth by this chapter.

FINDING: These Tentative Plan and Final Plan requirements and procedures will be followed and enforced by the City.

I. Requirements for approval. An outline development plan or a tentative plan for a subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth by this

chapter and other applicable City of La Pine ordinances, standards and regulations, that the following requirements have been met:

- a. The proposed development is consistent with applicable density and development standards set forth of the applicable zone in Article 3. All lots conform to the applicable lot standards of the zoning district including density, lot area, dimensions, setbacks, and coverage.

FINDING: The proposed density is approximately 4.4 units per acre. Compliance with the relevant development standards is reviewed in sections above. If the proposal is deemed to meet all relevant development requirements and standards, as conditioned, then this criterion will be met as well.

- b. The proposal is in compliance with any applicable overlay zone regulations in Article 4.

FINDING: The subject property is not within any Overlay Zones in Article 4. Criterion does not apply.

- c. The proposal is in compliance with the design and improvement standards and requirements set forth in Article 5, or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.

FINDING: This application is reviewed herein for compliance with the design and improvement standards and requirements of Article 5. Staff finds that the application either meets these standards or can meet them with conditions of approval.

- d. The applicant has demonstrated that adequate public facilities are available or can be made available at the time of development, and if necessary that the developer has proposed adequate and equitable improvements and expansions to the facilities to bring the facilities and services up to an acceptable capacity level.

FINDING: The Applicant stated in the submitted narrative, "As detailed throughout this narrative, the proposal includes water, sewer, and transportation improvements that are consistent with City of La Pine long term public facility plans. The applicant has studied water and sewer capacity and found that, with the planned improvements, that these systems can serve the proposed development. Regarding transportation, the Traffic Engineer determined that the estimated trip generation for this site includes 825 net new weekday daily trips, including 75 trips during the weekday p.m. peak hour (48 inbound, 27 outbound). The traffic report documents that the system can continue to perform at City Standards with the addition of this development." Criteria satisfied.

- e. The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this Code and the Comprehensive Plan.

FINDING: It appears to Staff the none of these resources are present. As such, unless proven otherwise, this criterion is not applicable.

- f. The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)

FINDING: The Applicant proposes the name, “Ponderosa Park” in the Burden of Proof document and on the Tentative Plan. Applicant shall submit the proposed name to the County Surveyor for review and approval.

- g. The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

FINDING: The Applicant stated in the submitted narrative, “The proposed streets align with all surrounding streets, meet the required block length and width requirements, and have been sized and located to conform to City design Standards.” Criteria satisfied.

- h. Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.

FINDING: The Applicant indicated in their Burden of Proof that proposed streets will be dedicated to the public. No private streets are proposed.

- i. Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.

FINDING: No specific measurable adverse impacts to neighboring properties have been identified.

- j. Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.

FINDING: The Applicant stated in the submitted narrative, “The property is surrounded by rights of way (existing and planned) and the design includes complete transportation, water and sewer system .Access across any property is not needed, thus additional provisions are not anticipated.”

15.406.020 Final Plat for a Subdivision

A. Submission of final plat.

1. Time requirement.

- a. Except as otherwise approved in accordance with the approval of a master plan for a subdivision planned for unit or phase development, the subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto. The number of copies required shall be as specified on the application form.

...

FINDING: Final Plat shall be recorded within two years of the Tentative Plan Decision. Improvements shall be designed, installed and constructed at the time of final plat recordation or as otherwise required by the City.

15.406.040 Subdivisions and PUD Review

- A.** Review of a subdivision or planned unit development shall follow the Type III review procedures set forth in Article 7.
- B.** Public hearing and notice required. Neither an outline development plan or a tentative plan for a proposed subdivision or PUD may be approved unless the City first advertises and holds a public hearing thereon according to applicable requirement in Article 7.

FINDING: Review of the proposed Subdivision is following the Type III review procedures set forth in Article 7. A hearing was scheduled for January 19, 2022 and as noted herein, was properly noticed through mailings, on site posting, and newspaper notice.

Article 9. Land Divisions

- **Chapter 15.418 Processing and Recording Procedures**

15.418.010 Processing and Recording Subdivision and Partition Maps

- A.** Submit one reproducible paper, vellum or mylar map copy to the County Surveyor.
- B.** Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots.
- C.** Submit the required County Surveyor review fee as appropriate for the subdivision or partition.
- D.** Submit a title report for the subdivision.
- E.** Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120% of the estimated actual costs, office and field.
- F.** After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness mylar, with corrections made, to the County Surveyor for final approval and signature.
- G.** Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the County Surveyor for recording into the survey records prior to submittal to the County Clerk for recording. The exact copy shall comply with the requirements of ORS Ch. 92 and other applicable statutes and be submitted on four mil thickness mylar.
- H.** The County Surveyor recording fee shall be submitted with the final plat along with any required post-monumentation bond or letter executed by the City Attorney that the bonding requirements are met.
- I.** The plat shall then be submitted to the County Clerk along with the required recording fee. After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the County Surveyor to complete the process. The number of prints required shall be twelve for a subdivision plat and six prints for a partition unless a greater number is requested by the County Surveyor at initial review.

- J. Copies of the exact copy of the final plat showing the recording information shall also be submitted to the City Planning Official, together with an electronic copy in a format approved by the City. The scale and format of the plans and the number of copies required shall be as specified on the application form.

FINDING: The Applicant shall follow these procedures for all final plat submittals.

V. CONCLUSION AND RECOMMENDATION:

Based on the submitted application materials and the above Findings, Staff recommends that the Applicant has met or can meet with the Conditions of Approval noted herein, the applicable criteria for a Tentative Plan for a subdivision to include 45 residential lots and associated infrastructure improvements.

Recommended Conditions of Approval:

GENERAL:

1. Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.
3. Clear vision standards be provided for through the development of the Subdivision. Proposed street trees will be omitted in these areas. This standard is typically imposed as an ongoing condition of approval for a tentative plan. Fencing, utilities, landscaping, and other above ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.
4. Accessible crossings must be provided at all intersections within the subdivision.
5. Final plat shall be recorded within two years of the tentative plan decision.
6. Prior to sale and/or occupancy of any lot and as a condition of acceptance of the improvements, the Applicant shall submit to the City a one-year maintenance surety bond in an amount not to exceed 20% of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.
7. Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

PRIOR TO FILING OF FINAL PLAT:

1. Applicant shall submit the proposed name to the County Surveyor for review and approval.

2. Improvements shall be designed, installed and constructed at the time of final plat recordation or as otherwise required by the City.
3. As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the City upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements. As Builts shall be submitted on a coordinate system recognized by the State of Oregon or on the Deschutes County Coordinate System.
4. A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade. Construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction.
5. Sewer mains and sewer infrastructure shall be constructed in accordance with City of La Pine Public Works Standards. Sewer main lines shall be minimum 8" diameter.
6. Public right of way shall be dedicated to the public, as proposed on the submitted site plan, on the final subdivision plat.
7. All necessary public utility easements for franchise utilities shall be determined in coordination with franchise utility companies and shall be dedicated on the final plat.
8. Street lights shall be installed and provided at the following locations: Intersections, Mid-block for blocks longer than 400 feet from center of intersection to center of intersection. Poles and fixtures shall conform to the power provider standards. Standard Mid State Electric head fixtures shall be used.
9. As approved by the City Engineer, public improvements must be constructed prior to final plat, or an approved performance assurance mechanism and associated improvement agreement with specific construction times outlined, may be filed with the City for construction of items not necessary for safety or required connectivity. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020.

PRIOR TO CONSTRUCTION:

1. All construction, landscaping and utility plans shall be reviewed and approved by the City Engineer and Public Works Manager. Permits for sewer and water improvements will not be issued until the Public Works Director has approved all sanitary sewer and water plans for conformance with City standards.
2. Grading and drainage plans and stormwater calculations shall be submitted to the City Engineer for review and approval for compliance with this standard, City Public Works standards and any other applicable standard.
3. Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.

4. Slurry seal shall be provided on Wheeler Road between Finley Butte Road and the north boundary of the subject property to prevent further deterioration to the Wheeler Road surface.
5. Existing vegetation at the Wheeler Road and Finley Butte Intersection shall be trimmed to provide clear vision per City of La Pine and AASHTO standards.
6. Sewer shall be connected to the Wheeler main line and shall not connect to the Walling main line.
7. Fire hydrants shall be installed at a minimum of 400 foot average spacing. All fire hydrants shall include 6'x6' concrete pad, 4 bollards, and snow flag, painted safety yellow per City of La Pine standards.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. Lots shall comply with coverage and setback requirements (or applicant shall receive approved variances for such).
2. If driveway access permits are required at the time of building permit application, they shall be reviewed and approved prior to release of building permits.
3. The developer, applicant or builder shall contribute \$568.75 per EDU toward a fund for replacement of the Industrial Park lift station.
4. All lots shall be served by sewer and water service and streets shall be constructed/improved as required by this decision and approval of construction plans by the City Engineer.
5. Per the City Engineer, the Industrial Park lift station is nearing capacity and will require a replacement to provide capacity to development in the project area. The cost to replace the Industrial Park Lift station is \$637,000. The total number of Equivalent Dwelling Units anticipated at build out in the basin are 1,120. Therefore, the development shall contribute \$568.75 for each EDU toward a fund for replacement of the Industrial Park lift station. This fee must be submitted prior to release of building permits.

PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:

1. Every lot must be served by a septic tank. Tanks shall be sized according to flow per criteria published in OAR 340-71-220(3). Minimum tank capacity shall be 1000 gal. Septic tanks shall remain the property of the landowner and shall be maintained and pumped by the landowner.
2. Driveway aprons shall be installed prior to occupancy of any building on any lot.